

# ACTS OF THE SEVENTEENTH CONGRESS

OF THE

## UNITED STATES,

*Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday the second day of December, 1822, and ended on the third day of March, 1823.*

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

### STATUTE II.

Dec. 20, 1822.

CHAP. I.—*An Act authorizing an additional naval force for the suppression of piracy.*

President authorized to purchase or construct vessels, to fit, equip, and man them for immediate service, for repressing piracy, &c.  
Act of March 3, 1825, ch. 101, sec. 2.

Appropriation for such expenditure.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burthen and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent.

SEC. 2. *And be it further enacted,* That the sum of one hundred and sixty thousand dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the treasury, not otherwise appropriated.

APPROVED, December 20, 1822.

### STATUTE II.

Jan. 14, 1823.

[Obsolete.]

From the 3d day of March next, the state of Alabama to have three members in the House of Representatives, agreeably to the act of March 7, 1822, ch. 10.

CHAP. II.—*An Act concerning the apportionment of representatives in the state of Alabama. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the third day of March, one thousand eight hundred and twenty-three, the state of Alabama shall have three members in the House of Representatives, in the Congress of the United States, it appearing, from the returns of the marshal of Alabama, deposited in the office of the Secretary of state of the United States, that the said state of Alabama at the passage of the act, entitled "An act for the apportionment of representatives among the several states, according to the fourth census," approved March seven, one thousand eight hundred and twenty-two, was entitled to the number of three representatives, according to the population of the said state, and the ratio established by the said act.

APPROVED, January 14, 1823.

(a) By the act of March 2, 1819, ch. 47, Alabama was authorized to form a state government for admission into the Union. By resolution of December 11, 1819, Alabama was admitted into the Union.

CHAP. III.—*An Act making a partial appropriation for the support of government for 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 sum of two hundred and sixty-five thousand one hundred and forty dollars be, and the same hereby is, appropriated, for the compensation granted by law to the Senate and House of Representatives: and that the same be paid out of any money in the treasury not otherwise appropriated.

APPROVED, January 14, 1823.

STATUTE II.

Jan. 14, 1823.

[Obsolete.]

Appropriation for the compensation of the Senate and House of Representatives.

CHAP. V.—*An Act to continue the present mode of supplying the army of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the seventh, eighth, ninth and tenth sections of the act, entitled "An act regulating the staff of the army," passed April fourteenth, eighteen hundred and eighteen, be, and the same are hereby, continued in force for the term of five years, and until the end of the next session of Congress thereafter.

APPROVED, January 23, 1823.

STATUTE II.

Jan. 23, 1823.

The 7th, 8th, 9th and 10th sections of act of April 14, 1818, ch. 61, continued in force for five years, and to the end of the next session of Congress.

CHAP. VI.—*An Act to enable the proprietors of lands held by titles derived from the United States to obtain copies of papers from the proper department, and to declare the effect of such copies.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any person claiming to be interested in, or entitled to land, under any grant or patent from the United States, shall apply to the Treasury Department for copies of papers filed and remaining therein, in any wise affecting the title to such land, it shall be the duty of the Secretary of the Treasury to cause such copies to be made out and authenticated, under his hand and seal, for the person so applying, and such copies, so authenticated, shall be evidence equally as the original papers.

APPROVED, January 23, 1823.

STATUTE II.

Jan. 23, 1823.

The Secretary of the Treasury to cause authentic copies of papers filed, &c., to be made &c., and these copies to be equal evidence as the original papers.

CHAP. VII.—*An Act in addition to "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy,' and, also, to make further provision for punishing the crime of piracy." (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, in the year of our Lord one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, in all respects, as fully as if the said sections had been enacted without limitation, in the said act, or in the act to which this is an addition, and which was passed on the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty.

APPROVED, January 30, 1823.

STATUTE II.

Jan. 30, 1823.

Act of May 15, 1820, ch. 113.

The 1st, 2d, 3d, and 4th sections of act of March 3, 1819, ch. 77, made perpetual.

(a) See notes to the act of March 3, 1819, ch. 77.

## STATUTE II.

Jan. 30, 1823.

CHAP. VIII.—*An Act to provide for the appointment of an additional judge for the Michigan territory, and for other purposes.*

[Obsolete.]

An additional judge to be appointed for the territory of Michigan, within the counties of Michilimackinac, Brown and Crawford, having the power of the supreme court of the territory, and of the county courts.

Appeals allowed from the county courts to this court.

Proviso.

Proviso.

The supreme court of the territory authorized, upon the reversal of a judgment of this court, &c.

A writ of error shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent, or attorney, give security that the plaintiff in error shall prosecute his writ to effect.

No cause, except suits in equity, to be removed from this court, but by writ of error. Suits in equity may be removed by appeal.

This court to hold one term in each of the counties yearly.

The clerks of the county court to be clerks of the court in their

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there shall be appointed an additional judge for the Michigan territory, who shall possess and exercise, within the counties of Michilimackinac, Brown, and Crawford, in the territory aforesaid, as said counties are now defined and established, or may be hereafter defined and established, the jurisdiction and power heretofore possessed and exercised by the supreme court of the said territory, and by the county courts of said counties respectively, within the said counties, and to the exclusion of the original jurisdiction of the said supreme court: and the jurisdiction of the said court, hereby established, shall be concurrent with the said county courts; but in all suits, either at law or in equity, appeals shall be allowed from the decisions of the said county courts to the court established by this act, in the same manner as is provided for appeals from said courts to the supreme court of said territory; *Provided, always,* That the said supreme court shall have full power and authority to issue writs of error to the court established by this act, in all civil causes, and to hear and determine the same when sitting as a supreme court of the territory, according to the Constitution and laws of the United States, and to the statutes adopted and published by the governor and judges of said territory: *And provided, also,* That nothing in this act contained shall be construed to give cognizance to the court hereby established, of cases of admiralty and maritime jurisdiction, nor of cases wherein the United States shall be plaintiffs, except as hereinafter mentioned.

SEC. 2. *And it be further enacted,* That the said supreme court are hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favour of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain: in which case the cause shall be remanded to the county from whence it came, in order to a final determination.

SEC. 3. *And be it further enacted,* That, when any person, not being an executor or administrator, applies for a writ of error, such writ shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent or attorney, shall give security, to be approved of by a judge of the said supreme court, which shall be certified on the back of such writ, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money, and all costs, or otherwise abide the judgment of the court, if he fail to make his plea good; and no cause, except suits in equity, shall be removed to said supreme court from the court hereby established, but by writ of error, as herein before provided; and suits in equity may be removed by appeal, in the same manner as is provided for appeals from the county courts to the supreme court.

SEC. 4. *And be it further enacted,* That the court established by this act shall hold one term in each of the counties aforesaid, yearly, at the following times and places, to wit: at Prairie du Chien, on the second Monday in May; at Green Bay, on the second Monday in June; and at Mackinac, on the third Monday in July, in each and every year; and shall then and there proceed to hear and determine the pleas, process, and proceedings, depending therein, in the same manner as the said supreme or county courts might, or could have done, in case this act had not been passed; and the clerks of the said county courts shall be clerks of the court hereby established in their respective counties, and shall be entitled to such fees for their services as may be allowed them by law; and the officers appointed to execute the process of the said county courts within

the said counties, are hereby authorized and required to execute the process of the court hereby established.

SEC. 5. *And be it further enacted*, That the said court, hereby established, shall have and possess concurrent jurisdiction with the said supreme court, in and over all actions arising under the acts and laws in force, or which may be enacted, for the regulating trade and intercourse with the Indians, and over all crimes and offences which shall be committed within that part of the Indian country lying north and west of Lake Michigan, within the territory of Michigan.

SEC. 6. *And be it further enacted*, That the judge to be appointed by virtue of this act, shall reside in one of the counties aforesaid, and shall receive the same salary, and payable in the same manner, as is provided and established by law for the judges of the said supreme court of the Michigan territory.

SEC. 7. *And be it further enacted*, That this act shall take effect and be in force, from and after the twentieth day of March next.

APPROVED, January 30, 1823.

respective counties.

This court shall have concurrent jurisdiction with the supreme court, in all actions under laws regulating trade, &c. with the Indians.

The judge to be appointed in virtue of this act, to reside in one of the counties.

## STATUTE II.

Jan. 31, 1823.

### CHAP. IX.—*An Act concerning the disbursement of public money.*

*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 advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed [exceed] the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the especial direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided also*, That the President of the United States may direct such advances as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

SEC. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emolument, shall render his accounts quarterly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

SEC. 3. *And be it further enacted*, That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That no security given to, or ob-

Act of March 3, 1797, ch. 20. No advance of public money to be made.

Proviso.

Proviso.

Officers or agents of the United States to account quarterly.

Proviso.

Officers or agents offending against the preceding sections, to be promptly reported to the President, and dismissed from the public service.

Proviso. No security

given to, or obligation entered into with, the government, to be impaired.

ligation entered into, with the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

APPROVED, January 31, 1823.

STATUTE II.

Feb. 21, 1823.

[Expired.]

Act of May 11, 1820, ch. 85, revived, and continued in force till 1st Nov. next.

Report of the commissioners to be laid before Congress.

Second section of the act of April 23, 1812, ch. 62, to embrace certain claims.

Patents to be issued to persons whose claims have been filed under the act of May 11, 1820, ch. 85.

CHAP. X.—*An Act to revive and continue in force certain acts for the adjustment of land claims in the territory of Michigan. (a)*

*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 revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the territory of Michigan," approved May the eleventh, one thousand eight hundred and twenty, shall be, and the same is hereby, revived, and shall continue in force until the first day of November next; and it shall be the duty of the said commissioners, as soon thereafter as may be, to forward their report, as is required by the second section of said act, to the Secretary of the Treasury, to be by him laid before Congress at its next session.*

SEC. 2. *And be it further enacted, That the second section of the act, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," approved April twenty-third, one thousand eight hundred and twelve, shall be so construed as to embrace all persons who have claims confirmed below Milk river point, at the lower end of Lake St. Clair.*

SEC. 3. *And be it further enacted, That patents shall, and they are hereby directed to, be issued, in the mode pointed out by law in other cases, to persons whose claims to lands, town or village lots, have been regularly filed with the commissioners appointed by an act, entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the*

(a) *Acts relating to public lands in Michigan :*

An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, ch. 35.

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

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

An act relating to grants of land in the territory of Michigan, March 3, 1807, ch. 34.

An act supplemental to "An act regulating the grants of land in the territory of Michigan," April 23, 1808, ch. 67.

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

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

An act to revive the powers of the commissioners for ascertaining and deciding claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the territory of Michigan, May 11, 1820, ch. 85.

An act to annex certain lands within the territory of Michigan to the district of Detroit, May 11, 1820, ch. 94.

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

An act to alter the lines between the land districts in the territory of Michigan, May 16, 1826, ch. 56.

An act to confirm claims to land in the territory of Michigan, April 17, 1828, ch. 28.

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

An act to change the boundary between the south-eastern and western land district in the territory of Michigan, June 25, 1834, ch. 72.

An act to divide Green Bay land district in Michigan, and for other purposes, June 15, 1836, ch. 93.

An act to establish a land office in the territory of Michigan, January 30, 1833, ch. 12.

An act supplementary to "An act to provide for the adjustment of the titles to land in the town of Detroit, and territory of Michigan, and for other purposes," passed April 21, 1806. August 29, 1842, ch. 260.

claims to land at Green Bay and Prairie du Chien, in the territory of Michigan," passed on the eleventh day of May, one thousand eight hundred and twenty, and whose claims are contained in the report transmitted to the Secretary of the Treasury, and which have been reported favourably on by said commissioners: and such persons are hereby confirmed in their claims, agreeably to any surveys heretofore made, or the lines and boundaries established by the claimants respectively: *Provided*, That such confirmations shall only amount to a relinquishment forever, on the part of the United States, and that not more than six hundred and forty acres shall be confirmed by virtue of any one claim; nor shall more be confirmed, in any case, than the quantity claimed; nor shall any claim extend in width more than forty, nor in depth more than eighty, arpents; nor to land heretofore, and now, reserved by the United States for public uses.

SEC. 4. *And be it further enacted*, That wherever it shall appear to the said commissioners that any claimant to land, or a town or village lot, at Green Bay or Prairie du Chien, cannot establish his, her, or their, claim to the same, in consequence of his, her, or their, removal therefrom by any officer of the United States' army, it shall be the duty of the said commissioners to issue a certificate to such person or persons, for any tract of land, or village lot, which may have been occupied by him, her, or them, after such removal, not exceeding, in quantity, that originally claimed; on which certificates patents shall issue, as in other cases; which claims shall be, in all other respects, subject to the restrictions and provisions of the third section of this act.

SEC. 5. *And be it further enacted*, That every person who, on the first day of July, one thousand eight hundred and twelve, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinaw, and who, on the said day, occupied and cultivated, or occupied a tract of land which had previously been cultivated by said occupant, lying within either of said settlements, and who has continued to submit to the authority of the United States, or to the legal representatives of every such person, shall be confirmed in the tract so occupied and cultivated; and the said commissioners, in the adjudicating on claims to land embraced by this act, are authorized to take into their consideration the evidence and facts collected and reported to them by the agents of the United States, pursuant to the provisions of the act of the eleventh of May, one thousand eight hundred and twenty, as well as such other and further evidence and testimony as may or shall be exhibited before them by the claimants, to support their claims: And the register of the land office at Detroit is authorized and required to receive and record all notices and claims to lands provided for by this act, and which shall be exhibited to him on or before the first day of October next: *Provided, however*, That no person shall be confirmed in a greater quantity than six hundred and forty acres; nor shall any tract, so confirmed, exceed eighty arpents from front to rear. And it shall be the duty of the surveyor general of the United States, under the direction of the Secretary of the Treasury, to cause the land confirmed by this act to be surveyed, at the expense of the claimants, respectively; plats of which shall be returned, as in other cases, and patents therefor shall be granted to the several claimants in the manner prescribed by law.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to allow to the former agent, and to each of the persons whose duty it is made to carry this law into effect, such sum, in addition to the sum allowed by the first recited act, as he may deem just and reasonable.

APPROVED, February 21, 1823.

Proviso.

Claimants have been removed by any officer of the United States' army, to have certificates for any tract of land, &c. which they have occupied after such removal.

Occupants of land in Green bay, Prairie du Chien, or Michilimackinaw, on July 1, 1812, who have continued to submit to the authority of the United States, or their legal representatives, to be confirmed in said land.

Act of May 11, 1820, ch. 35.

Proviso.

An additional sum to be allowed to persons carrying this law into effect.

## STATUTE II.

Feb. 21, 1825.

State of South Carolina divided into two districts, the eastern and western.

Eastern district court to be held in Charleston, as usual.

Western district court to have one annual session at Laurens Courthouse.

CHAP. XI.—*An Act to divide the state of South Carolina into two judicial districts. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the state of South Carolina, be, and the same is hereby divided into two districts, in manner following, that is to say: the districts of Lancaster, Chester, York, Union, Spartanburg, Greenville, Pendleton, Abbeville, Edgefield, Newberry, Laurens, and Fairfield, shall compose one district, to be called the western district; and the residue of the state shall form one other district, to be called the eastern district. And the terms of the said district court, for the eastern district, shall be held in Charleston, at such times as they are now by law directed to be holden. And for the trial of all such criminal and civil causes, as are by law cognisable in the district courts of the United States which may hereafter arise or be prosecuted, or sued, within the said western district, there shall be one annual session of the said district court holden at Laurens Courthouse, to begin on the second Monday in May in each year; to be holden by the district judge of the United States of the state of South Carolina; and he is hereby authorized and directed to hold such other special sessions as may be necessary for the despatch of the causes in the said court, at such time or times as he may deem expedient, and may adjourn such special sessions to any other time previous to a stated session.

APPROVED, February 21, 1823.

## STATUTE II.

Feb. 21, 1823.

[Expired.]

Charter of Mechanics' Bank of Alexandria extended to March 3, 1836.

March 2, 1821, ch. 18.

Stockholders disagreeing from renewal, may compel the bank to refund their stock.

CHAP. XIV.—*An Act to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act incorporating the Mechanics' Bank of Alexandria, in the District of Columbia, be, and the same is hereby, extended and limited to the third day of March, one thousand eight hundred and thirty-six, under and subject to all limitations, modifications, and conditions, as are enacted and applied to the other incorporated banks of the District of Columbia, by an act, entitled "An act to extend the charters of certain banks in the District of Columbia," which passed the second day of March, one thousand eight hundred and twenty-one.

SEC. 2. *And be it further enacted,* That, if any stockholder or stockholders, in said bank, who have not assented to the renewal of the said charter, shall, within two months from the passing of this act, file his or their declaration, in writing, in the said bank, declaring himself or themselves dissatisfied with said renewal, and his or their determination to withdraw his or their interest from the same; and if the said bank cannot agree with such stockholder or stockholders, on the amount of such interest, and shall not forthwith pay the same, then it shall be lawful for the circuit court of the District of Columbia, at Alexandria, on the petition in writing of such stockholder or stockholders, to appoint three commissioners, whose duty it shall be to ascertain the value of the interest of such stockholder or stockholders, in said bank, for which purpose such commissioners shall, under the direction of said court, have access to the books, papers, and accounts, of said bank, and on the report of said commissioners, and such other evidence as may be laid before the said court, the said court shall proceed to ascertain the value of the interest of such stockholder or stockholders in said bank and shall adjudge and decree the value so ascertained, to be paid to him or them by the said bank,

(a) An act for altering the times of holding the circuit and district court in the state of South Carolina, May 25, 1824, ch. 145.

and shall have power to enforce such judgment or decree, by execution, attachment, or other legal process.

SEC. 3. *And be it further enacted*, That this act be, and the same is hereby declared to be, a public act, and that so much and such parts of the act incorporating the said Mechanics' Bank of Alexandria, as may be repugnant to this act, be, and the same is hereby, repealed and annulled.

This act declared to be a public act.  
Mechanics' Bank of Alexandria.

APPROVED, February 21, 1823.

STATUTE II.

CHAP. XV.—*An Act supplementary to the several acts for the adjustment of land claims in the state of Louisiana.*(a)

Feb. 28, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the claims for lands within the eastern district of the state of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the sixth of January, one thousand eight hundred and twenty-one, be, and the same are hereby, confirmed, against any claim on the part of the United States.

Claims for certain lands in Louisiana confirmed.

Act of March 2, 1805, ch. 26.

Act of March 3, 1807, ch. 36.

Act of May 11, 1820, ch. 87.

Claims of lands north of Red river, confirmed.

SEC. 2. *And be it further enacted*, That the claims for lands within the district north of Red river, in the state of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the first January, one thousand eight hundred and twenty-one, and included in the first, second, and third, classes of claims, be, and the same are hereby, confirmed against any claim on the part of the United States, with the exception of the claims numbered forty and fifty-one in the first class, and of the claims numbered forty-four, forty-five, forty-six, forty-seven, and forty-eight, in the said first class, (which are included in the claim of Baron Bastrop.)

APPROVED, February 28, 1823.

STATUTE II.

CHAP. XVI.—*An Act for laying out and making a road, from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut western reserve, in the state of Ohio, agreeable to the provisions of the treaty of Brownstown.*

Feb. 28, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the state of Ohio is hereby authorized to lay out, open, and construct, a road, from the lower rapids of the Miami of Lake Erie, to the western boundary of the Connecticut western reserve, in such manner as the legislature of said state may by law provide, with the approbation of the President of the United States; which road, when constructed, shall forever remain a public highway.

Road from the lower rapids of the Miami of Lake Erie, to Connecticut western reserve.

SEC. 2. *And be it further enacted*, That, in order to enable the state of Ohio to open and construct said road, a tract of land, one hundred and twenty feet wide, whereon to locate the same, together with a quantity of land equal to one mile on each side thereof, and adjoining thereto, to be bounded by sectional lines as run by the United States, to defray the expenses of making the said road, is hereby granted to said state; to commence at the Miami rapids, and terminate at the western boundary of the Connecticut western reserve, with full power and authority to sell and convey the same, and apply the proceeds to the making of said road: and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain

Land granted for the road, and expenses.

(a) See notes to act of May 11, 1820, ch. 87.



Proviso.  
Proviso.

with the state of Ohio, as a fund for the purpose of keeping said road in repair: *Provided*, That said road shall be made within the term of four years from the passage of this act: *And provided*, None of the land hereby appropriated for making said road shall be sold for a less price than one dollar and twenty-five cents per acre.

Lands sold to be paid for at a minimum price.

SEC. 3. *And be it further enacted*, That, in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the Secretary of the Treasury is hereby directed to pay such officer as the state of Ohio may appoint for that purpose, the net proceeds of the sales of the quantity thus sold at a minimum price.

When the governor of Ohio shall produce a survey, and an act of the state shall accept the trust, the President shall stop the sale of land.

SEC. 4. *And be it further enacted*, That, whenever the governor of the state of Ohio shall have laid before the President of the United States a survey of the location of said road, accompanied by an act of said state accepting said trust, and providing for making said road within the time above limited, and the President shall have approved the same, then the right of the state to said tract of land shall be considered as complete for the purposes aforesaid; and the President shall direct, that, until the first day of June, one thousand eight hundred and twenty-three, none of the public lands shall be sold within three miles on each side of a line, to be drawn direct from the foot of the rapids of the Miami of Lake Erie to the lower rapids of Sandusky, thence to the western boundary of the Connecticut western reserve; *Provided*, That nothing in this act contained, shall ever hereafter be construed to imply any obligation upon the United States to grant additional lands, or further aids of any sort, towards the opening, making, or keeping in repair, of the road aforesaid.

Proviso.

APPROVED, February 28, 1823.

## STATUTE II.

Feb. 28, 1823.

CHAP. XVII.—*An Act appropriating moneys for the purpose of repairing the public road from Cumberland to Wheeling. (a)*

Appropriation for Cumberland road.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the sum of twenty-five thousand dollars, of moneys in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of repairing and improving the public road from Cumberland to Wheeling, under the direction of the President of the United States.

Superintendent to be appointed by the President.

SEC. 2. *And be it further enacted*, That, for the faithful and speedy accomplishment of this object, the President, with the advice of the Senate, shall appoint some fit person as superintendent of the said road, whose duty it shall be, with all practicable despatch, to contract for, and personally superintend, the execution of the repairs and improvements which shall be deemed necessary on the said road, as well as to receive, disburse, and faithfully account with the treasury, for the sums of money which may be received by him in virtue of this act.

Superintendent to give bond.

SEC. 3. *And be it further enacted*, That the superintendent, so to be appointed, shall, before he enters upon the discharge of the duties enjoined by this act, execute [a] bond to the United States, with security, to be approved of by the Secretary of the Treasury, conditioned for the faithful discharge of his duties, enjoined by this act; he shall hold his office during the pleasure of the President, and shall receive, as a compensation for his services, the sum of three dollars per day, during the time he may be employed in the discharge of the duties enjoined by this act.

APPROVED, February 28, 1823.

(a) See notes to the acts which have passed relating to the Cumberland road, vol. ii. 357.

CHAP. XVIII.—*An Act to revive, and continue in force, the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh May, eighteen hundred and twenty, 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 seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh of May, one thousand eight hundred and twenty, in relation to back concessions, be, and the same is hereby, revived, and continued in full force and effect, for the term of eighteen months from and after the passing of this act.

SEC. 2. *And be it further enacted,* That so much of the lot of land on which is situated the navy store-house, in New Orleans, as may be necessary to continue the street now commenced, leading from Condi street to Market-hall, is hereby granted to, and vested in, the corporation of the city of New Orleans, for the purpose of continuing the said street.

APPROVED, February 28, 1823.

STATUTE II.

Feb. 28, 1823.

[Expired.]

Seventh section of Louisiana land claim law continued in force for eighteen months.

Act of May 11, 1820, ch. 87.

Part of navy store-house lot in New Orleans, granted to the corporation of that city.

STATUTE II.

Feb. 28, 1823.

CHAP. XIX.—*An Act to repeal so much of an act, passed the eighteenth April, one thousand eight hundred and six, as limits the price of certain lands in the state of Tennessee.*

*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 passed the eighteenth day of April, one thousand eight hundred and six, entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," which provides "that the lowest price of all lands granted or sold within the ceded territory shall be the same as shall be established by Congress for the lands of the United States," be, and the same is hereby, repealed; and the legislature of the state of Tennessee are authorized and empowered to affix such price to the lands in said ceded territory, as, in their discretion, may be deemed right and proper; any thing in said act of the eighteenth of April, one thousand eight hundred and six, to the contrary notwithstanding.

APPROVED, February 28, 1823.

Part of a land law of Tennessee of April 18, 1806, ch. 31, repealed.

STATUTE II.

March 1, 1823.

CHAP. XXI.—*An Act supplementary to, and to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed second March, one thousand seven hundred and ninety-nine, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the third day of March next, no goods, wares, or merchandise, subject to ad valorem duty, and imported into the United States, shall be admitted to an entry unless the true invoice of the same be presented to the collector at the time of entry, or unless the same be admitted in the mode authorized and prescribed in the next ensuing section of this act: *Provided,* That this prohibition shall not extend to such goods, wares, or merchandise, as shall have been taken from a wreck.

SEC. 2. *And be it further enacted,* That when no invoice has been received of any goods, wares, or merchandise, imported and subject to ad valorem duty as aforesaid, the owner, importer, consignee, or agent,

Act of March 2, 1799, ch. 22.

From March 2, the true invoice of goods subject to ad valorem duty to be produced.

Proviso.

Owner, importer, &c., to make oath of not having re-

(a) See notes to the act of May 11, 1820, ch. 87.

ceived invoice, when the goods will be admitted to an entry upon appraisement.

Proviso.

When goods have not been entered, they shall be deposited in the public warehouses until the invoice be produced.

Proviso.

Proviso.

Proviso.

Act of March 2, 1799, ch. 22, sec. 56.

Proviso.

Oath of consignee, importer, or agent, at time of entry.

shall make oath of the same, and the collector of the port shall be, and he is hereby, authorized, if in his judgment the circumstances under which such goods, wares, or merchandise, shall have been imported, or any other circumstances connected therewith, render it expedient, to admit the same to an entry, on an appraisement [appraisement] thereof, duly made, in the manner hereinafter prescribed: *Provided*, The owner, importer, consignee, or agent, of such goods, wares, or merchandise, shall, previous to such entry, give bond, with sufficient sureties, to the United States, to produce to such collector the invoice of the same within eight months from the time of entry, if the same were imported from any port or place on this side, and within eighteen months, if from any port or place beyond, the Cape of Good Hope or Cape Horn, or from the Cape of Good Hope, and to pay any amount of duty to which it may appear, by such invoice, the said goods, wares, or merchandise, were subject, over and above the amount of duties estimated on the said appraisement.

SEC. 3. *And be it further enacted*, That when goods, wares, or merchandise, imported into the United States, shall not have been entered in pursuance of the provisions of this or any other act regulating imports and tonnage, the same shall be deposited, according to existing laws, in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice be produced: *Provided, however*, That, when the said goods, wares, or merchandise, shall have remained in the public warehouse nine months, if imported from any port or place on this side, and eighteen months, if from any port or place beyond, the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope, and no invoice shall be produced, then the said goods, wares, and merchandise, shall be appraised, and the duties estimated thereon in the manner hereinafter directed: *Provided also*, That nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable: *And provided further*, That the collector be, and he is hereby, authorized to direct an earlier sale of articles of a perishable nature, and of such as may be liable to waste; first giving such notice of the sale as circumstances may admit, by public advertisement, in one or more papers, at or nearest to the port where such sale may be had: which said articles the collector shall previously cause to be appraised, and the duties estimated thereon, in the manner hereinafter directed; and the proceeds of such sale shall be disposed of at the expiration of the said periods of nine and eighteen months, respectively, as the case may be, in the manner prescribed by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-nine: *Provided also*, That nothing in this section shall be construed to affect the cases contemplated by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 4. *And be it further enacted*, That, in all cases where goods, wares, or merchandise, shall have been imported into the United States, and shall be entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port at the time of entry, to the owner, importer, consignee, or agent, in lieu of the oath now prescribed by law in such case:

*Consignee, Importer, or Agent's Oath.*

I, \_\_\_\_\_, do solemnly and truly (swear or affirm) that the invoice and bill of lading now presented by me to the collector of \_\_\_\_\_, are the true and only invoice and bill of lading by me received, of all the

goods, wares, and merchandise, imported in the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, for account of any person whosoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice, or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector, contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor, to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that, if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly (swear or affirm) that, to the best of my knowledge and belief, (insert the name and residence of the owner or owners, is or are) of the goods, wares, and merchandise, mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market value, (if otherwise obtained,) at the time or times, and place or places, when or where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

*Owner's oath, in cases where goods, wares, or merchandise, have been actually purchased.*

I \_\_\_\_\_, do solemnly and truly (swear or affirm) that the entry now delivered by me to the collector of \_\_\_\_\_, contains a just and true account of all the goods, wares, and merchandise, imported by, or consigned to, me, in the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_; that the invoice which I now produce, contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly (swear or affirm) that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. (a)

*Owner's oath, where goods, &c. have been purchased.*

(a) The defendant was indicted for perjury in falsely taking and swearing the "owner's oath in cases where goods have been actually purchased;" as prescribed by the fourth section of the supplementary collection law, of the first of March, 1823. The perjury was charged to have been committed in April, 1837, at the custom-house in New York, on the importation of certain woollen goods in the ship Sheridan. The indictment charged the defendant with having intentionally suppressed the true cost of the goods, with the intent to defraud the United States. 2. Charging the perjury in swearing to the truth of the invoice produced by him at the time of the entry of the goods, the invoice being false, &c. &c. It appeared by the evidence, that the goods mentioned in the entry had been bought by the defendant from John Wood, his father, of Saddleworth, England. No witness was produced by the United States to prove that the value or cost of the goods was greater than that for which they were entered at the custom-house in New York. The evidence of this, offered by the prosecution was, the invoice book of John Wood, and thirty-five original letters from the defendant to John Wood, between 1834 and 1837, showing a combination between John Wood and the defendant to defraud the United States, by invoicing and entering goods at less than their actual cost; that this combination comprehended the goods imported in the Sheridan; and that the goods received by that ship had been entered by the defendant,

Manufacturer's or owner's oath, where goods, &c. have not been purchased.

*Manufacturer's or owner's oath, in cases where goods, wares, or merchandise, have not been actually purchased.*

I , do solemnly and truly (swear or affirm) that the entry now delivered by me to the collector of , contains a just and true account of all the goods, wares, and merchandise, imported by, or consigned to, me, in the , whereof is master, from ; that the said goods, wares, and merchandise, were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce, contains a just and faithful valuation of the same, at their fair market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know, nor believe in the existence, of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly (swear or affirm) that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Mode of estimating ad valorem duty.

SEC. 5. *And be it further enacted,* That the ad valorem rates of duty upon goods, wares, and merchandise, shall be estimated in the manner following: to the actual cost, if the same shall have been actually purchased, or the actual value, if the same shall have been procured otherwise than by purchase, at the time and place, when and where purchased or otherwise procured, or to the appraised value, if appraised, except in cases where goods are subjected to the penalty provided for in the thirteenth section of this act, shall be added all charges, except insurance; and, also, twenty per centum on the said cost or value, and charges, if imported from the Capé of Good Hope, or any place beyond that, or from beyond Cape Horn, or ten per centum if from any other

he knowing that they had cost more than the prices at which he had entered them. This evidence was objected to on the part of the defendant, as not competent proof to convict the defendant of the crime of perjury; and that if an inference of guilt could be derived from such proof, it was an inference from circumstances, not sufficient, as the best legal testimony, to warrant a conviction. *Held,* That in order to a conviction, it was not necessary, on the part of the prosecution, to produce a living witness; if the jury should believe, from the within testimony, that the defendant made a false and corrupt oath when he entered the goods. *The United States v. Wood, 14 Peters, 430.*

The cases in which a living witness to a corpus delicti of the defendant, in a prosecution for perjury, may be dispensed with, are: all such where a person charged with a perjury by falsely swearing to a fact directly disproved by documentary or written testimony, springing from himself, with circumstances showing the corrupt intent: In cases where the perjury charged is contradicted by a public record, proved to have been well known to the defendant when he took the oath, the oath only proved to have been taken; in cases where the party is charged with taking an oath contrary to what he must necessarily have known to be the truth, and the false swearing can be proved by his own letters relating to the fact sworn to, or by other written testimony existing and being found in the possession of the defendant, and which has been treated by him as containing the evidence of the fact recited in it. *Ibid.*

The letters of the defendant, showing his knowledge of the actual cost of the goods which had been falsely entered by him, are the best evidence which can be given. This evidence is good under the general principle that a man's own acts, conduct, and declarations, when voluntary, are always admissible in evidence against him. If the letters of the defendant showed that the invoice book of the vendor of the goods, containing an invoice of the goods enumerated in the invoice to which the defendant had sworn the owner's oath, in which book the goods were priced higher in the sale of them to the defendant, recognised the book as containing the true invoice, his admission supersedes the necessity of other proof to establish the real price given by him for the goods; and the letters and invoice book in connection preponderate against the oath taken by the defendant, making a living witness to the corpus delicti charged in the indictment, unnecessary. *Ibid.* See also *Taylor et al. v. The United States, 3 Howard, 197.*

place or country; and the said rates of duty shall be estimated on such aggregate amount: *Provided*, That in all cases where any goods, wares, and merchandise, subject to ad valorem duty, shall have been imported from a country other than that in which the same were manufactured or produced, the appraisers shall value the same at the current value at the time of exportation, in the country where the same may have been originally manufactured or produced.

Proviso.

SEC. 6. *And be it further enacted*, That no goods, wares, or merchandise, imported into the United States, subject to ad valorem duty, and belonging to a person or persons residing in the United States, but who shall, at the time, be absent from the place where the same are intended to be entered, shall be admitted to an entry, unless the importer, consignee or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the said goods, wares, or merchandise, may be, the invoice of the same, duly verified, according to the circumstances of the case, by the oath of the said owner, or one of the owners, as prescribed in the fourth section of this act; which oath shall be administered by a collector of the United States, if there be any in the place where the said owner or owners may be; or if there be none, by some public officer duly authorized to administer oaths.

Goods, &c., subject to ad valorem duty, belonging to citizens absent at the time, to be admitted to entry, upon bond of the importer, &c., to produce the invoice.

SEC. 7. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice be verified by the oath of the owner, or one of the owners, certifying that the said goods, wares, or merchandise, were actually purchased for his account, or for account of himself and partners in the said purchase: that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the said invoice, but such as have been actually allowed on the same; which said oath shall be administered by a consul or commercial agent of the United States: or by some public officer duly authorized to administer oaths in the country where the said goods, wares, or merchandise, shall have been purchased, and the same duly certified by the said consul, commercial agent, or public officer; in which latter case, such official certificate shall be authenticated by a consul or commercial agent of the United States; *Provided*, That if there be no consul or commercial agent of the United States in the country from which the said goods, wares, or merchandise, shall have been imported, the authentication hereby required, shall be executed by a consul of a nation at the time in amity with the United States, if there be any such residing there; and if there be no such consul in the country, the said authentication shall be made by two respectable merchants, if any such there be, residing in the port from which the said goods, wares or merchandise, shall have been imported.

Goods, &c. not to be admitted to entry unless the invoice be verified by owner's oath.

Oath to be administered by a consul or commercial agent.

Proviso.

SEC. 8. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, who may not have acquired the same in the ordinary mode of bargain and sale, or belonging to a person or persons who may be the manufacturer or manufacturers, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof be verified by the oath of the owner, or of one of the owners, certifying that the invoice contains a true and faithful account of the said goods, wares, or merchandise, at their fair market value at the time and place when and where the same were procured or manufactured, as the case may be, and of all charges thereon;

No goods, &c., subject to ad valorem duty to be admitted to entry, unless the invoice be verified by the owner's oath.

and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed; which said oath shall have been duly administered and authenticated in the mode prescribed in the seventh section of this act.

Oath to be administered to executors, &c.

SEC. 9. *And be it further enacted*, That in all cases where goods, wares, or merchandise subject to ad valorem duty, imported as aforesaid, shall belong to the estates of deceased persons or of persons insolvent, who shall have assigned the same for the benefit of their creditors, the oaths required by the fourth, seventh, and eighth, sections of this act, may be administered to the executor, administrator, or assignees, of such persons in the manner prescribed by this act, according to the nature of the case.

Secretary of the Treasury may admit to entry goods, &c., of persons not residing in the United States.

SEC. 10. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing in the United States, shall not be accompanied with an invoice verified [verified] by oath, and authenticated as required by the seventh, eighth, and ninth, sections of this act, as the case may be; or where it shall not be practicable to make such oath, or there shall be an immaterial informality in the oath or authentication so required, or where the collector of the port at which the said goods, wares, or merchandise, shall be, shall have certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of said goods, wares, or merchandise, the Secretary of the Treasury shall be, and he is hereby, authorized, if he shall deem it expedient, to admit the same to an entry: *Provided*, That the consignee, importer, or agent shall, previous to such entry, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, sworn to and authenticated as may be required by this act, according to the nature of the case, and in the time and mode prescribed in the second section of this act, in cases where no invoice has been received: *And provided always*, That the Secretary of the Treasury shall in no case admit any goods, wares, or merchandise, to an entry, where there is just ground to suspect that a fraud on the revenue is intended.

Proviso.

Proviso.

Goods, &c., belonging partly to persons in the United States may be admitted to entry by their oath.

Proviso.

SEC. 11. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, shall belong in part to a person or persons residing in the United States and in part to a person or persons residing out of the United States, the oath of one of the owners residing in the United States, shall be sufficient to admit the same to an entry, according to the provisions of this act: *But it is expressly provided*, That, in all cases where the said goods, wares, or merchandise, shall have been manufactured in whole, or in part, by any one of the owners, residing out of the United States, the same shall not be so admitted to an entry, unless the invoice shall have been verified [verified] and authenticated by such manufacturer in the manner prescribed in the eighth section of this act.

Invoices not verified, and an entry refused, the goods, &c., to be deemed suspected.

SEC. 12. *And be it further enacted*, That, whenever the invoice of goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing in the United States, shall not have been duly verified and authenticated, and, upon application to the Secretary of the Treasury, according to the tenth section of this act, the said goods, wares, or merchandise, shall have been refused an entry, the same shall be deemed suspected, and shall be liable to the same additions and penalties as are provided in the case of fraudulent invoices in the following section.

Goods, &c., suspected, to be appraised, and fifty per cent. on the apprais-

SEC. 13. *And be it further enacted*, That, whenever, in the opinion of the collector, there shall be just grounds to suspect that goods, wares, or merchandise, subject to ad valorem duty, and imported into his district have been invoiced below their true value, in the place or country from

whence they were imported, or originally procured, as the case may be, as prescribed in the fifth section of this act, such collector shall direct the same to be appraised in the manner prescribed by this act; and if the value at which the same shall be so appraised, shall exceed, by twenty-five per centum, the invoice prices thereof, then, in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices, according to law, there shall be added fifty per centum on the appraised value; on which aggregate [aggregate] amount the duties on such goods, wares, or merchandise, shall be estimated. *Provided*, That nothing herein contained shall be construed to impose the said penalty of fifty per centum for a variance between the bona fide invoice of goods, produced in the manner specified in the proviso in the fifth section of this act, and the current value of the said merchandise, in the country where the same may have been originally manufactured or produced.

ed value to be added, over and above the ad valorem duty.

Proviso.

SEC. 14. *And be it further enacted*, That, in all cases where the appraised value of any goods, wares, or merchandise, appraised under this or any other act concerning imports and tonnage, shall exceed, by less than twenty-five per centum, the invoice value thereof, such appraised value shall be considered the true value of such goods, wares, or merchandise, upon which the duty shall be charged, with the addition of such per centum as may be by law, required: *Provided*, That, in no case, shall the duty be estimated on an amount less than the invoice value, with the addition by law required.

Appraised value of goods, &c., within 25 per cent. higher than the invoice value, to be considered as the true value.  
Proviso.

SEC. 15. *And be it further enacted*, That the collectors of the revenue shall cause at least one package out of every invoice, and one package, at least, out of every twenty packages of each invoice of goods, wares, or merchandise, imported into their respective districts, which package or packages he shall have first designated on the invoice, to be opened and examined, and if the same be found not to correspond with the invoice thereof, or to be falsely charged in such invoice, a full inspection of all such goods, wares, or merchandise, as may be included in the same entry, shall be made; and in case such goods, wares, or merchandise, be subject to ad valorem duty, the same shall be appraised, and subjected to the penalties provided in the thirteenth section, in the case of suspected or fraudulent invoices; and in every case, whether such goods, wares, or merchandise be subject to ad valorem or specific duty, if any package be found to contain any article not described in the invoice, the whole package shall be forfeited: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized to remit the said forfeiture, if, in his opinion, the said article was put in by mistake, or without any intention to defraud the revenue.

Packages not corresponding with the invoice to be appraised; any package containing an article not in the invoice to be forfeited.

Proviso.

SEC. 16. *And be it further enacted*, That, for the appraisalment of goods, wares, or merchandise, required by this or any other act concerning imports and tonnage, the President of the United States, shall, by and with the advice and consent of the Senate, appoint, in each of the ports of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans, two persons, well qualified to perform that duty, who, before they enter thereon, shall severally make oath, diligently and faithfully to examine and inspect such goods, wares, or merchandise, as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof, according to the provisions of the fifth section of this act; and when any appraisalment is to be made in any port other than those above named, the collector shall appoint two respectable resident merchants, who, after having taken the oath required by this section, shall be the appraisers; and the Secretary of the Treasury shall have authority to direct the appraisers for any collection district, to attend in any other collection district for the purpose of appraising any goods, wares, or merchandise, imported therein; and the President of the United States is hereby authorized, in the recess of the Senate, to

President to appoint appraisers in Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans.  
Appraiser's oath.

In other ports collector to appoint appraisers.



appoint the appraisers for the ports provided for in this section, which appointments shall continue in force until the end of the session of Congress thereafter.

Appraisers' salaries.

SEC. 17. *And be it further enacted*, That each of the appraisers, who may be appointed under the sixteenth section of this act, for the ports of New Orleans, Savannah, Charleston, Baltimore, Philadelphia, and Boston, shall each receive, as a compensation for his services, fifteen hundred dollars per annum; and the appraisers for the port of New York shall each receive two thousand dollars per annum; and the merchants who may be appointed to act as appraisers under this act, shall receive for their services, while actually employed on that duty, each, a compensation of five dollars per diem; and whenever the appraisers, appointed under the sixteenth section of this act, attend in any district, other than that in which they reside, for the purpose of appraising any goods, wares, or merchandise, they shall respectively receive at the rate of five dollars for every twenty-five miles in going to, or returning from, such district, in addition to the salary or pay provided for in this section.

Owner, &c., dissatisfied with the appraisement, may employ two merchants to examine the goods with the appraisers.

SEC. 18. *And be it further enacted*, That, in all cases where the owner, consignee, importer, or agent, shall be dissatisfied with the appraisement of any goods, wares, or merchandise, made by the appraisers appointed under the sixteenth section of this act, it shall be lawful for him to employ, at his own expense, two respectable resident merchants, who, after being duly qualified, according to the sixteenth section of this act, shall, together with the two appraisers appointed on the part of the United States, under this act, examine and inspect the goods, wares, or merchandise, in question; and, after such examination and inspection, they shall report the value thereof, if they agree therein, and, if not, the circumstances of their disagreement, to the collector; and in case such owner, consignee, importer, or agent, shall be dissatisfied with such report and second appraisement, it shall be lawful for him to refer the case to the Secretary of the Treasury, who shall be, and is hereby, authorized and empowered to decide thereon, or to require further testimony in the case, in such manner as he may deem proper, and to order the said goods, wares, or merchandise, to be entered accordingly.

Owners, &c. dissatisfied with second appraisement may refer the case to the Secretary of the Treasury.

Merchants chosen and declining to assist subject to a penalty.

SEC. 19. *And be it further enacted*, That any merchant, who shall be chosen by the collector, or by the party in interest, to make any appraisement required under this or any other act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisement, shall be subject to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor.

One half the excess of duty from 50 per cent. to be divided among the custom-house officers. 1799, ch. 22.

SEC. 20. *And be it further enacted*, That one half of the excess of duty accruing in consequence of the fifty per cent. added to the value of any goods, wares, or merchandise, under the thirteenth section of this act, shall be divided among the custom-house officers of the port in which such goods, wares, or merchandise, may be, in the manner prescribed by the act, entitled "An act to regulate the duties on imports and tonnage," passed on the second day of March, seventeen hundred and ninety-nine: *Provided*, That, in no case, shall the appraisers of the said goods, wares, or merchandise, be entitled to or receive any part of the said duty.

Proviso.

Goods, &c. taken from a wreck to be appraised.

SEC. 21. *And be it further enacted*, That, before any goods, wares, or merchandise, which may be taken from any wreck, shall be admitted to an entry, the same shall be appraised, in the manner prescribed in the sixteenth section of this act; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any goods, wares or merchandise, shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent, shall be dissatisfied with such appraisement, he shall be entitled to the privileges provided in the eighteenth section of this act.

SEC. 22. *And be it further enacted*, That, for every verification and certificate, made under this act, before a consul or commercial agent of the United States, such consul or commercial agent shall be entitled to demand and receive, from the person making the same, a fee of two dollars: *Provided*, Each shipper shall have the right to include all articles shipped by him in the same invoice.

Consular fee.

Proviso.

SEC. 23. *And be it further enacted*, That, when any goods, wares, or merchandise, shall be admitted to an entry upon invoice, the collector of the port in which the same are entered, shall certify the same under his official seal; and no other evidence of the value of such goods, wares, or merchandise, shall be admitted on the part of the owner or owners thereof, in any court of the United States, except in corroboration of such entry.

Certificate of entry.

No other evidence admissible.

To counterfeit certificate, felony.

Punishment.

SEC. 24. *And be it further enacted*, That any person or persons, who shall counterfeit any certificate or attestation made in pursuance of this act, or use such certificate or attestation, knowing the same to be counterfeit, shall, upon conviction thereof before any court of the United States having cognisance of the same, be adjudged guilty of felony, and be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term not exceeding three years.

Bond for duties binding on all the partners of a company.

Clerk cannot become surety for his employer.

Principal to be a resident, and sureties citizens of the United States.

Duty of 50 dollars or upwards paid in cash, entitled to a discount at the rate of four per cent. per ann.

SEC. 25. *And be it further enacted*, That any bond to the United States, entered into for the payment of duties by a merchant belonging to a firm, in the name of such firm, shall equally bind the partner or partners in trade, of the person or persons by whom such bond shall have been executed; but no clerk or hired person, in the constant employment of another, shall become principal or surety to any bond to which his employer is a party.

SEC. 26. *And be it further enacted*, That no bond for duties on goods, wares, or merchandise, imported into the United States, shall be accepted by any collector of the revenue, unless the principal be a resident of the United States, and the surety or sureties citizens thereof.

SEC. 27. *And be it further enacted*, That, in every case where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, imported as aforesaid, and the duty upon which shall amount to fifty dollars, or upwards, may, at the time of entry, desire to pay the duties thereon in cash, the collector of the port where the said goods, wares or merchandise, may be entered, shall be, and he is hereby, authorized and directed to receive the same, and to allow a discount on the amount of the duties, at the rate of four per centum per annum, for the legal term of credit which would have been allowed by law on such duties.

Goods on which duties have been paid may be transported into two other districts with benefit of drawback.

Proviso.

SEC. 28. *And be it further enacted*, That all goods, wares, or merchandise, imported into the United States, the duties on which shall have been paid, or secured to be paid, may be transported coastwise, from the district into which they were imported to two other districts, and exported from either of them with the benefit of drawback: *Provided*, That all regulations and formalities now in force, relating to the transportation of goods, wares, and merchandise, coastwise, from the district into which they were imported to another district, for benefit of drawback, and such other regulations as are prescribed under and by virtue of this act, for the further transportation of such goods, wares, or merchandise, to other districts, shall be complied with: *And provided, also*, That all the regulations and formalities now in force, respecting the exportation of goods, wares, and merchandise, for the benefit of drawback, shall be complied with, so far as may be consistent with other provisions of this act: and the Secretary of the Treasury shall be, and he is hereby, authorized to prescribe the form of the certificate to be used, and of the oaths to be taken, on the transportation of such goods, wares, or merchandise, from the second district, into which they may be so brought, to the third district.

Regulations.

Goods so transported to be accompanied by a copy from the invoice certified.

Inspection.

Act of March 2, 1799, ch. 22.

Twenty days allowed for taking the oaths, &c.

Proviso.

Goods re-shipped coastwise, allowed to enter for debenture.

Proviso.

Goods entitled to debenture may be permitted to be transferred into other packages.

Proviso.

The numbers upon packages, not necessary to be inserted in an entry.

SEC. 29. *And be it further enacted*, That all goods, wares, or merchandise, subject to ad valorem duty, and intended for exportation, with benefit of drawback, which shall be transported from one district to another, shall be accompanied by a copy from the invoice, of the cost thereof, certified by the collector of the district from which they may have been last re-shipped, which certified copy shall be produced to the collector of the district from which such goods, wares, or merchandise, are intended to be exported; and such goods, wares, or merchandise, as well as all such goods, wares, or merchandise, subject to ad valorem duty, as shall be exported from the district into which they may have been originally imported, shall be inspected by the appraisers at the time of exportation, in the manner provided by this act, on the importation of such goods, wares, or merchandise; and if the same are found not to correspond with the original invoice, the said goods, wares, or merchandise, shall be subjected to forfeiture, according to the provisions of the eighty-fourth section of an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 30. *And be it further enacted*, That in all cases of entry of goods, wares, or merchandise, for the benefit of drawback, the time of twenty days shall be allowed, from the date of the clearance of the ship or vessel, in which the same shall have been laden, for taking the oaths, completing the entry, and giving the exportation bonds for the same: *Provided*, That the exporter shall have, in every other particular, complied with the regulations and formalities heretofore, and by this act, established for entries of exportation of goods, wares, or merchandise, for the benefit of drawback.

SEC. 31. *And be it further enacted*, That in all cases where goods, wares, or merchandise, entitled to debenture, shall be re-shipped for transportation coastwise, before the necessary certificates are issued by the collector of the port where imported, the same shall be allowed to be entered for debenture, at the district to which they shall be so transported, without forfeiting the benefit of drawback: *Provided*, That the person or persons, so entering said goods, wares, or merchandise, shall produce, from the collector of the port from whence the same shall have been last shipped, a certificate that the coastwise certificates were not issued at the time of the sailing of the vessel on board which the said goods, wares, or merchandise, shall have been so shipped, and shall deliver the coastwise certificates, required in such cases, to the collector of the port where the same shall have been so entered, within two months from the date of entry, and before the said goods, wares, or merchandise, shall be entered for exportation.

SEC. 32. *And be it further enacted*, That in all cases where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, entitled to debenture, may wish to transfer the same into packages, other than those in which the said goods, wares, or merchandise, were originally imported, the collector of the port where the same may be, shall permit the said transfer to be made, if necessary for the safety or preservation thereof: *Provided*, That due notice of the same, in writing, setting forth sufficient cause for the said transfer, be given to the said collector, who shall appoint an inspector of the revenue, to ascertain if the said allegation be true, and, if found correct, to superintend said transfer, and to cause the marks and numbers upon the original packages to be inscribed upon the packages into which the said goods, wares, or merchandise, shall be transferred.

SEC. 33. *And be it further enacted*, That it shall not be necessary to insert the numbers upon packages, in any entry of goods, wares, or merchandise, subject to specific duty on importation or exportation; or to insert any such numbers in any coastwise or other certificate: *But it is ex-*

*pressly provided*, That in all cases where a separate [separate] certificate may be required for each package, the numbers shall be inserted therein.

SEC. 34. *And be it further enacted*, That in all cases where, under existing laws, spirituous liquors, entitled to debenture, shall have been shipped coastwise, for the purpose of being laden immediately on board some vessel in another district, for exportation, the same may be so laden on board of such vessel, without having been first deposited in the public warehouse: *Provided*, That all other regulations required by law shall have been complied with, and that such transportation of said spirituous liquors from the one vessel to the other, be made by the collector's order, and under the superintendance [superintendence] of an inspector of the revenue, and that a careful examination be made by him of the identity of the same, and of the quantity, quality, and packages, thereof.

SEC. 35. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven.

SEC. 36. *And be it further enacted*, That all fines, penalties, and forfeitures, incurred in virtue of the act, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the twentieth April, one thousand eight hundred and eighteen," (a) may be sued for, prosecuted, and recovered, in the same manner as if the said act did not expire on the third day of March next.

SEC. 37. *And be it further enacted*, That, when goods, wares, or merchandise, imported, and subject to duty as aforesaid, shall be re-shipped, and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, or an extract therefrom, including all the articles, with the charges thereon, which are re-shipped and transported coastwise as aforesaid, verified by the additional oath required by the fourth section of this act, and certified under the official seal of the collector, with whom the entry, on the importation of such goods, wares, and merchandise, was made, shall be produced at the port to which the same shall be transported; and the same inspection of such goods, wares, or merchandise, shall be made, as if they had been brought direct from a foreign port or place; *Provided*, That no appraisement of the said goods, wares, or merchandise, shall be made at the said port, so as to change the amount of duties which may have been charged thereon, at the port of their original importation, if the same should have been there entered, according to the provisions of this act; except when transported from a port where there are no appraisers appointed by the government; and if the invoice, verified [verified] as aforesaid, shall not be so produced, such goods, wares, or merchandise, shall be deposited, and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required, shall be produced: and goods, wares, or merchandise, imported, and subject to duty as aforesaid, may be transported coastwise, to one or more districts within the United States.

APPROVED, March 1, 1823.

Proviso.

Spirits entitled to debenture, may be laden without being warehoused when shipped coastwise.

Proviso.

Penalties and forfeitures.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

Fines, &c., in virtue of the act of April 20, 1818, to be recovered as before.

Act of April 20, 1818, ch. 79.

Goods transported coastwise in the same packages as imported, to have a certified invoice, and shall be inspected at the port to which they are transported.

Proviso.

(a) Act of April 20, 1818, ch. 79.

## STATUTE II.

March 1, 1823.

CHAP. XXII.—*An Act to regulate the commercial intercourse between the United States and certain British colonial ports.* (a)

First, second, and third sections of the act concerning navigation, act of April 18, 1818, ch. 65, and the act of May 15, 1820, ch. 122, suspended as to certain British colonial ports.

*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 next, the first, second, and third, sections of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen, and the "Act supplementary to an act concerning navigation," approved on the fifteenth of May, one thousand eight hundred and twenty, shall be, and the same are hereby, suspended, for and during the continuance of this act, so far as any of the restrictions or prohibitions therein contained, limit or interdict the intercourse of navigation or commerce between the ports of the United States and the British colonial ports hereinafter mentioned, to wit:

Kingston, in Jamaica. Savannah Le Mar, do. Montego Bay, do. Santa Lucia, do. Antonia, do. Saint Ann, do. Falmouth, do. Maria, do. Morant Bay and Annotto Bay, do. Saint George, in Grenada. Roseau, in Dominica. Saint John's, in Antigua. San Josef, in Trinidad. Scarborough, in Tobago. Road Harbour, in Tortola. Nassau, in New Providence. Pitt's town, in Crooked Island. Kingston, in Saint Vincent. Port Saint George and Port Hamilton, in Bermuda. Any port where there is a custom-house, in Bahamas. Bridgetown, in Barbadoes. Saint John's and Saint Andrew's, in New Brunswick. Halifax, in Nova Scotia. Quebec, in Canada. Saint John's, in Newfoundland. Georgetown, in Demarara. New Amsterdam, in Berbice. Castries, in Saint Lucia. Basseterre, in Saint Kitts. Charlestown, in Nevis. Plymouth, in Montserrat.

The ports of the United States to be open to British vessels directly from such ports.

SEC. 2. *And be it further enacted,* That, from and after the said third day of March next, the ports of the United States shall be open to any British vessel coming directly from any of the British colonial ports above enumerated: and it shall be lawful to import in the said vessels, being navigated by a master and three-fourths, at least, of the mariners, British subjects, any articles of the growth, produce, or manufacture, of any of the said British colonies, the importation of the like articles to which, from elsewhere, is not, nor shall not be, prohibited by law, and which may be exported from any of the said enumerated British ports to the United States, on equal terms, in vessels belonging to the said states.

The President may, by proclamation, declare no higher duty to be levied upon British vessels and goods from these ports than upon United States vessels, on certain conditions.

SEC. 3. *And be it further enacted,* That, on proof being given to the President of the United States, satisfactory to him, that, upon the vessels of the United States admitted into the above enumerated British colonial ports, and upon any goods, wares, or merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere, it shall and may be lawful for the President of the United States to issue his proclamation, declaring that no other or higher duty of impost or tonnage and no other or higher duty or charge of any kind, upon any goods, wares or merchandise, imported from the above enumerated British colonial ports, in British vessels, shall be levied or exacted in any of the ports of the United States, (excepting the ports in the territory of Florida,) than upon the vessels of the United States, and upon the like goods, wares, or merchandise, imported

(a) An open boat is not a ship or vessel within the purview of the statutes of 1820, ch. 122, and 1823, ch. 22, which prohibit commercial intercourse with the British colonies. *United States v. An open boat and lading*, 5 Mason's C. C. R. 120.

It seems that notwithstanding those statutes, open British boats may visit the United States, if not destined for trade. *Ibid.*

British ships or vessels, excluded from the ports of the United States by those statutes, are such as are owned by British subjects having a British domicile, and sailing under the British flag, and not British ships or vessels owned by British subjects domiciled in the United States. *Ibid.*

into the ports of the United States in the same: *Provided always*, That until such proof shall be given, British vessels coming from the said British colonial ports, and the goods, wares, and merchandise, imported in the same into the United States, shall continue to pay the foreign tonnage duty, and the additional duties upon goods, wares, and merchandise, imported in foreign vessels prescribed by the "Act to regulate the duties on imports and tonnage," approved the twenty-seventh of April, one thousand eight hundred and sixteen.

Proviso.

April 27, 1816,  
ch. 107.

SEC. 4. *And be it further enacted*, That no articles whatsoever, specie and bullion excepted, other than articles of the growth, produce, or manufacture, of the British colonies to which the said enumerated ports belong, shall be imported into the United States, in British vessels, coming from any of the said enumerated ports; and that no articles whatsoever, being of the growth, produce or manufacture, of the British colonies, to which the said enumerated ports belong, shall be imported into the United States, in any British vessel, other than a vessel coming directly from one of the said enumerated ports, on pain of forfeiting all such articles, together with the ship or vessel in which the same shall have been imported, and her guns, tackle, apparel, and furniture.

Articles of the growth, produce, or manufacture of the British colonies only to be so imported in British vessels.

And said vessels to come directly from said ports.

SEC. 5. *And be it further enacted*, That it shall be lawful to export from the United States, directly to any of the above enumerated British colonial ports, in any vessel of the United States, or in any British vessel, navigated as by the second section of this act is prescribed, and having come directly from any of the above enumerated British colonial ports, any article of the growth, produce, or manufacture, of the United States, or any other article legally imported therein, the exportation of which, elsewhere, shall not be prohibited by law; *Provided*, That when exported in any such British vessel, before the shipment of any such articles, security, by bond, shall be given to the United States, in a penalty equal to half the value of the said articles: such bond to be taken of the owner, consignee, or agent, by the collector of the port at which the said British vessel shall have entered, for the due landing of the said articles, at the port or ports, being of the British colonial ports herein above enumerated, for which the said vessel shall clear out, and for producing a certificate thereof, within twelve months from the date of said bond, under the hand and seal of the consul, or commercial agent of the United States, resident at the port where the said articles shall have been landed; or if there shall be no consul or commercial agent of the United States residing there, such certificate to be under the hand and seal of the chief officer of the customs at such port, or under the hand and seal of two known and reputable merchants residing at such port; but such bond may be discharged, by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas. And it shall not be lawful to export, from the United States, any article whatsoever, to any of the above enumerated British colonial ports, in any British vessel, other than such as shall have come directly from one of the said ports to the United States; nor shall it be lawful to export from the United States any article whatsoever, in any British vessel, having come from any of the said enumerated ports, to any other port or place, whatsoever, than directly to one of the said ports. And in case any such articles shall be shipped or waterborne, for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted, in like manner as for any other violation of the revenue laws of the United States.

Goods of the United States may be exported to any of said ports in British vessels.

Proviso.

SEC. 6. *And be it further enacted*, That this act, unless repealed, altered, or amended, by Congress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of vessels of the United States, conformably to the provisions of the British

This act to continue in force so long as the said ports are open to ves-

sels of the  
United States.

act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George the Fourth. But if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in council, or by act of Parliament, then, from the day of the date of such order in council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favour; and each and every provision of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen; and of the act supplementary thereto, approved on the fifteenth of May, one thousand eight hundred and twenty; shall revive and be in full force.

Act of April  
18, 1818, ch. 70.

Act of May  
15, 1820, ch. 122.

Any other  
British colonial  
port being open  
to vessels of the  
United States,  
shall have the  
benefit of this  
act.

Bond to be  
prescribed by  
the Secretary of  
the Treasury.

Mitigation  
and remission  
of forfeitures,  
&c.

SEC. 7. *And be it further enacted*, That if any British colonial port in the American hemisphere, other than those hereinabove enumerated, should, by virtue of a British order in Council, be opened to vessels of the United States, conformably to the provisions of the said act of Parliament of the twenty-fourth of June last, each and every provision of this act shall extend to the same, from the time when it shall be so opened to the vessels of the United States.

SEC. 8. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed by the Secretary of the Treasury; and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner and according to the provisions of the revenue laws of the United States.

APPROVED, March 1, 1823.

#### STATUTE II.

March 1, 1823.

CHAP. XXIII.—*An Act to alter the time of holding the district court of the United States for the district of Kentucky.* (a)

Terms of the  
district court of  
Kentucky altered.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the next term of the district court of the United States for the district of Kentucky, the said court shall hold its terms on the second Monday in April and October in each year.

APPROVED, March 1, 1823.

(a) The acts establishing the sessions of the district courts of Kentucky are:

An act to establish the judicial courts of the United States, September 24, 1789, ch. 20, sec. 2.

An act making certain alterations in the act for establishing the judicial courts, and altering the time and place of holding certain courts, June 9, 1794, ch. 64, sec. 8.

An act concerning the circuit courts of the United States, March 3, 1797, ch. 27, sec. 6.

An act for altering the times for holding the circuit court in the district of North Carolina, and for abolishing the July term of the Kentucky district court, Feb. 28, 1806, ch. 13, sec. 2.

An act establishing the circuit courts, and abridging the jurisdiction of the district courts of Kentucky, Tennessee, and Ohio, Feb. 24, 1807, ch. 16, sec. 4.

An act supplementary to the act entitled "An act to amend the act entitled 'An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" Feb. 4, 1809, ch. 14.

An act to alter the time of holding the district court of the United States for the district of Kentucky, March 1, 1823, ch. 22.

An act to change the terms of the district courts of the United States for the Kentucky district, March 24, 1824, ch. 30.

## STATUTE II.

CHAP. XXIV.—*An Act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia.*

March 1, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the first day of June next, in all cases where the real debt and damages do not exceed the sum of fifty dollars, exclusive of costs, it shall and may be lawful for any one justice of the peace, of each respective county within the District of Columbia wherein the debtor doth reside, to try, hear, and determine, the matter in controversy, between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidences, of both parties, to give judgment, according to the laws existing in the said District of Columbia, and the equity and right of the matter, in the same manner, and under the same rules and regulations, to all intents and purposes, as such justices of the peace are now authorized and empowered to do when the debt and damages do not exceed the sum of twenty dollars, exclusive of costs: Provided, nevertheless, That all justices of the peace of said county shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon, from the date thereof, until the same shall be paid, or satisfied: And provided further, That no female, in any case whatever, and no male above the age of seventy years, shall be liable to be arrested or imprisoned for any debt authorized to be sued for and recovered by this act.*

From and after June 1st, 1823, justices of the peace may try and determine causes when the debt and damages do not exceed 50 dollars, exclusive of costs.

Proviso.

Proviso.

Defendant may supersede within sixty days.

Proviso.

Justices of the peace to keep a docket.

SEC. 2. *And be it further enacted, That, in all cases where judgments shall be rendered by a justice of the peace, it shall be lawful for the defendant to supersede the said judgment, at any time within sixty days from the rendition of the same, which supersedeas shall stay execution for six months thereafter, and shall be taken by the justice who rendered the judgment, and no other; Provided, Such justice is living in the county in which said judgment was rendered, and acting in his judicial capacity; but if such justice shall not be so acting, then, and in that case, before any other justice of the peace for the aforesaid county who may be legally acting in that capacity.*

SEC. 3. *And be it further enacted, That the justices of the peace within the District of Columbia, be, and they are hereby, directed, and it is hereby made their duty, to keep a docket, and therein to record, and make regular entries of, their proceedings, in all cases in which they shall act in virtue of their office, and they are hereby directed to furnish the plaintiffs and defendants, respectively, with a copy of any judgment by them rendered, when required on which copy, any other justice of the peace of the county is hereby authorized to issue execution or fieri facias, in the same manner as executions are now issued by the clerk of the circuit court of the District of Columbia, which shall be returned within twenty days after being issued, to the justice who gave the judgment; and no judgment rendered before a justice shall have the effect to create any lien upon real estate.*

Justices of the peace omitting to keep a docket, liable for the proceeds of any debt, &c., lost in consequence.

SEC. 4. *And be it further enacted, That if any justice of the peace shall omit to keep a docket, as aforesaid, or be guilty of any other negligence or omission, by which the plaintiff (having obtained a judgment before such justice,) shall lose his or her debt, that then, and in that case, the said justice shall pay and satisfy to the said plaintiff the debt, interest, and costs, lost as aforesaid, to be recovered by plaint, before any other justice of the peace, who shall, on proof of the fact, render judgment against such defaulting justice, together with any interest that may have accrued on the debt.*

Justices of the peace, upon

SEC. 5. *And be it further enacted, That each and every justice of the peace shall, and it is hereby made his duty, upon his resignation or re-*



resignation or removal, or their executors, &c., upon demise, to deliver their dockets to the clerk of the circuit court under penalty of 500 dollars.

removal from office, and it is also made the duty of his executors or administrators, upon the death of any such justice of the peace, forthwith to deliver to the clerk of the circuit court of the District of Columbia, within the county in which said justice of the peace officiated, such docket or dockets, as said justice of the peace, so resigning, removing, or dying, shall or may have had; and it shall be the duty of the clerk in whose possession said docket or dockets may be placed, to furnish copies of all such entries made in said docket or dockets, to persons applying therefor, and who may be entitled thereto, in the same manner, and to have the same effect, as if said copies had been furnished by the said justice, so resigning, removing, or dying, as the case may be: And in case of the death, resignation, removal from office, or other incapacity, of any person who may have acted as a justice of the peace as aforesaid, and neglect (on the part of himself, or executors, or administrators, as the case may be) to transfer such docket or dockets, he or they shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties due to the United States.

Judges of circuit court not to hold plea of any debt which shall not exceed 50 dollars.

Proviso.

SEC. 6. *And be it further enacted*, That the judges of the circuit court of the District of Columbia shall not hold original plea in the said court of any debt or damage in cases within the jurisdiction given to justices of the peace by this act, which shall not exceed fifty dollars, exclusive of costs, any law to the contrary notwithstanding: *Provided, nevertheless*, That nothing in this act contained shall extend, or be construed to extend, to divest the circuit court of the District of Columbia from the power of holding plea of any debt or damages, where the same doth not exceed the sum of fifty dollars, or may be above the sum of twenty dollars, where the writ or original process, issued for the recovery of the same, shall have been impetrated at any time before the first day of June next.

In all cases over five dollars parties aggrieved may appeal to the circuit court.

SEC. 7. *And be it further enacted*, That in all cases where the debt or demand doth exceed the sum of five dollars, and either plaintiff or defendant shall think him or herself aggrieved [aggrieved] by the judgment of any justice of the peace, he or she shall be at liberty to appeal to the next circuit court to be held in the county in which the said judgment shall have been rendered, before the judges thereof; who are hereby, upon the petition of the appellant, in a summary way, empowered and directed to hear the allegations and proofs of both parties, and determine upon the same according to law and the equity and right of the matter, at the same term in which the said petition shall be exhibited, without further continuance or delay, unless it shall appear to the said court that further time ought to be given to the party applying for the same: and either of the said parties may demand a trial by jury, or leave the cause to be determined by the court, at their election; and in any case of appeal from the decision of a justice of the peace, the circuit court, where two summonses against the appellee shall be returned *non est*, or one attachment returned *non est*, and the said appellee shall not appear, the court may proceed to hear and determine such case, in the same manner as if the appellee had regularly appeared: *Provided*, That no appeal from the judgment of any justice of the peace to the circuit court of the District of Columbia shall be dismissed because the same had not been prayed to the circuit court next after the rendition of such judgment, unless the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of said circuit court.

Proviso.

Judgment or supersedeas not to be returned to the clerk of the circuit court.

SEC. 8. *And be it further enacted*, That from and after the first day of June next, no justice of the peace within the District of Columbia, before whom any judgment hath been rendered, or any supersedeas on any judgment rendered by a justice of the peace, hath been taken, shall make return of any such judgment or supersedeas to the office of the clerk of the circuit court of the District of Columbia, for the purpose

that the same should be recorded or filed therein, by the clerks of the said circuit court; any law to the contrary notwithstanding.

SEC. 9. *And be it further enacted*, That any justice of the peace before whom supersedeas may be taken, or any other justice of the peace of said county, may, and shall, at the request of the plaintiff, or any other person authorized by, or on behalf of, the said plaintiff, issue execution, by way of *capias ad satisfaciendum* or *fieri facias*, against the principal debtor and his sureties, or against either of them, after the expiration of the time so mentioned in the said supersedeas.

Justices to issue execution.

SEC. 10. *And be it further enacted*, That the constables of the said district, who have been, or may hereafter be, duly appointed and qualified, according to law, are hereby authorized and empowered to serve and levy executions issued by a justice of the peace, on judgments obtained for small debts, out of court, in the same manner, and by the same process, as the marshal of the District of Columbia, or his deputies, are authorized to do; and that a commission of five per cent. be allowed the constable for every sum thereon by him levied: *Provided*, That the said constables shall, before they proceed to the discharge of the duties required by this act, give bond to the United States, with good and sufficient security, in the penalty of two thousand dollars, to be approved of by any one of the judges of the circuit court of said district, for the due performance of the duties of a constable, and, also, for the duties and trusts reposed in them by virtue of this act; and it shall be the duty of such judge, forthwith, to have the same filed or entered on record by the clerk of the county in which said constable may reside, at the cost and expense of said constable. And the said constables shall, after this act goes into effect, make all returns now made to the clerk of the circuit or county court, to the justices of the peace, at such times, in such manner, and under such penalties as are at present established by law, in rendering the same to the said clerk: *Provided*, That no return, judgment, or execution, shall be received or recorded as satisfied, by the said justices of the peace, without the receipt of the plaintiff annexed to the same: *Provided also*, That nothing in this act contained shall be construed to prohibit or prevent the marshal, or his deputies, in the respective counties in the District of Columbia, from executing or levying executions, issued by a justice of the peace, for small debts, out of court, when the same are put into their hands for that purpose, in the same manner as by law they have been, or now are, authorized to do; but for executing or levying such executions, the said marshal, or his deputies, shall be entitled to the same commission, and nothing more, as is herein allowed to constables in such cases; and where the marshal or constable shall have received money, on any judgment or execution, not exceeding twenty dollars, and shall fail or omit to pay the same to the plaintiff, or his agent, when thereto demanded, or shall omit or fail to return any execution within the time limited for such return, it shall and may be lawful for any court of record, within the District of Columbia, on motion made, five days' previous notice being given to said marshal or constable, to enter up judgment, *instanter*, against them, for the amount so received, with interest and costs.

Constables may serve and levy executions, &c.

Proviso.

Proviso.

Proviso.

SEC. 11. *And be it further enacted*, That where any judgment, before any justice of the peace, shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said judgment had been obtained, or any other justice of the peace for said county, to revive the same by *scire facias*, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same, to the said justice, or any other justice of the peace, of said county; and any constable, qualified as above mentioned, of the said county, is hereby authorized and required to serve such writ of *scire facias*, and make due

Justices may revive judgments by *scire facias*.

Constables to serve *scire facias*.

return thereof on the return day mentioned in the said writ, in the same manner, and entitled to the same fee, and liable to the same penalty, as in the case of a warrant issued by a justice of the peace, as directed by law, in such case made and provided.

Constables authorized to deliver persons committed, at the jail to the marshal or jailer, &c.

SEC. 12. *And be it further enacted*, That it may be lawful for any constable, qualified as aforesaid, to deliver, at the county jail, to the marshal of the said county, any person committed by a justice of the peace, on a *capias ad satisfaciendum*, when the case may or doth so require; and that the said marshal, or his jailer, is hereby required and directed to take charge of such person, and the same in his custody safe keep, until such person or persons shall be duly discharged therefrom according to law.

Justices authorized to issue *capias ad satisfaciendum*.  
Proviso.

SEC. 13. *And be it further enacted*, That the justices of the peace be, and they are hereby, authorized and empowered to issue *capias ad satisfaciendum*, or *feri facias*, in all cases where the said justices are empowered to render judgment by virtue of this act, or the laws already in existence in the District of Columbia: *Provided, however, and it is hereby enacted*, That the necessary beds, bedding, not exceeding one bed and the bedding thereof, for every two persons belonging to the family of every such debtor, and wearing apparel, and one cow of each and every debtor and his family, against whose goods, chattels, and effects, a writ of *feri facias* shall be issued, as aforesaid, shall not be liable to seizure and sale under such writ, but shall, in all cases, be exempt, together with the tools and implements of his trade, from the operation of the same; nor shall it be lawful for any person to distrain them for rent.

Justices' fees.

SEC. 14. *And be it further enacted*, That, it shall and may be lawful for the several justices of the peace within the District of Columbia to ask and receive, for the performance of their duties under this act, such fees as are allowed to said justices, for similar services, by the laws at present in force in the said district.

Parties may demand a trial by jury.

SEC. 15. *And be it further enacted*, That, in every action to be brought by virtue of this act, where the sum demanded shall exceed twenty dollars, it shall be lawful for either of the parties to the suit, after issue joined, and before the justice shall proceed to inquire into the merits of the cause, to demand of the said justice that such action be tried by a jury; and upon said demand, the said justice is hereby required to issue a *venire*, under his hand and seal, directed to any constable of the county where said cause is to be tried, commanding him to summon twelve jurors, to be and appear before the justice issuing such *venire*, at such time and place as shall be therein expressed; and the jurors thus summoned shall possess the qualifications, and be subject to the exceptions, now existing by law in the District of Columbia.

Jurors to be sworn, and to deliver their verdict publicly to the justice, who shall give judgment thereon and issue execution.

SEC. 16. *And be it further enacted*, That if any of the persons so summoned and returned as jurors, shall not appear, or be challenged and set aside, the justice before whom the said cause is to be tried, shall direct the constable to summon, and return forthwith, a tales, each of whom shall be subject to the same exceptions as the jurors aforesaid, so as to make up the number of twelve, after all causes of challenge are disposed of by the justice; and the said twelve persons shall be the jury who shall try the cause, each of whom shall be sworn by the justice, well and truly to try the matter in difference between the parties, and a true verdict to give, according to evidence; and, the said jury being sworn, shall sit together, and hear the proofs and allegations of the parties, in public, and when the same is gone through with, the justice shall administer to the constable the following oath, viz: "You do swear, that you will keep this jury together in some private room, without meat or drink, except water; that you will not suffer any person to speak to them, nor will you speak to them yourself unless by order of the justice, until they have agreed on

their verdict." And when the jurors have agreed on their verdict, they shall deliver the same publicly to the justice, who is hereby required to give judgment, forthwith, thereon; and the said justice is hereby authorized to issue execution on said judgment, in the manner, and under the limitations, herein before directed.

SEC. 17. *And be it further enacted*, That, in addition to the fees herein before provided for in trials before justices, there shall be allowed to the justice, for issuing a venire facias, twenty-five cents, and for swearing the jury, twelve and an half cents; to the jurors sworn to try, twelve and a half cents each; and to the constable, for summoning the jury, thirty-seven and an half [half] cents.

APPROVED, March 1, 1823.

Additional fees of justices and jurors.

## STATUTE II.

CHAP. XXV.—*An Act for carrying into effect the Convention of navigation and commerce between the United States and France, concluded at Washington, on the twenty-fourth day of June, eighteen hundred and twenty-two.*

March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act to impose a new tonnage duty on French ships and vessels, approved on the fifteenth day of May, one thousand eight hundred and twenty, be, and the same is hereby, repealed.

Act of May 15, 1820, ch. 126, respecting tonnage duty on French vessels, repealed.

SEC. 2. *And be it further enacted*, That, for the term of two years, from and after the thirtieth day of September last, articles of the growth, produce, or manufacture, of France, imported into the United States, in French vessels, shall pay an additional duty of three dollars and seventy-five cents per ton of merchandise, according to the tenor of the convention of navigation and commerce between the United States and France, concluded on the twenty-fourth day of June, one thousand eight hundred and twenty-two, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States: *Provided always*, That no discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms, into the ports of the United States, for transit or re-exportation.

From and after Sep. 30, 1822, French goods imported in French vessels to pay an additional duty of \$3,75 per ton.

Proviso.

SEC. 3. *And be it further enacted*, That, from and after the expiration of two years from the said thirtieth day of September last, in case of the continuance in force of the said Convention, and so long as the same shall continue in force, the extra duties, specified in the second section of this act, shall, from and after the said thirtieth day of September, one thousand eight hundred and twenty-four, be diminished by one-fourth of their whole amount; and, afterwards, by one-fourth of said amount, from year to year, so long as neither of the parties to the said convention shall have declared the intention of renouncing the same, in the manner therein provided, and until the whole of such discriminating and extra duty shall have been done away.

At the expiration of two years, extra duties to be diminished one-fourth of the whole amount, and so from year to year.

SEC. 4. *And be it further enacted*, That, during the continuance in force of the said convention, the duties of tonnage, light money, pilotage, port charges, brokerage, [brokerage,] and all other duties, upon foreign shipping, over and above those paid by vessels of the United States, other than those specified in the second section of this act, shall not exceed, for French vessels, in the ports of the United States, ninety-four cents per ton of the vessel's French passport.

Tonnage duty, light-money, &c., for French vessels not to exceed 94 cents per ton of the vessel's French passport.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to cause to be refunded, from any moneys in the treasury not otherwise appropriated, any extra duties, levied before

Extra duties levied before June 24 last to be refunded.

the twenty-fourth day of June last, by virtue of the act of Congress of the fifteenth of May, one thousand eight hundred and twenty, imposing a new tonnage duty on French ships or vessels.

Upon ratification of second separate article of the convention, the extra duties to be levied only on the excess of value of imports over that of exports.

SEC. 6. *And be it further enacted*, That, if the second separate article of the said convention, concluded on the twenty-fourth of June last, should be ratified by both the contracting parties thereto, and the ratifications thereof should be exchanged, on or before the twenty-third day of June next, then, from and after the expiration of two months, subsequent to the said exchange of ratifications, and during the continuance in force of the said separate article, the extra duties specified in the second section of this act shall be levied only upon the excess of value of the merchandise imported into the United States in any French vessel, over the value of the merchandise exported from the United States in the same vessel, upon the same voyage; so that, if the value of the articles exported shall equal or exceed that of the articles imported in the same vessel, (not including articles imported for transit or re-exportation,) no such extra duties shall be levied: and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of difference of their value.

Acts incompatible with the convention repealed.

SEC. 7. *And be it further enacted*, That all acts, or parts of acts, of Congress, incompatible with the execution of each and every article of the said convention, concluded on the twenty-fourth of June last, and of its ratified separate article, be, and the same are hereby, repealed.

APPROVED, March 3, 1823.

#### STATUTE II.

March 3, 1823.

[Obsolete.]

Specific appropriations for the military service for 1823.

CHAP. XXVI.—*An Act making appropriations for the military service of the United States, for 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-three, to wit:

For the pay of the army, and subsistence of the officers, nine hundred and eighty-eight thousand nine hundred and seven dollars and seventy-five cents.

For subsistence, two hundred and seventy-six thousand one hundred dollars.

For forage for officers, thirty-five thousand five hundred and twenty dollars.

For the medical and hospital department, fifteen thousand six hundred and thirty-eight dollars.

For the purchasing department, one hundred and thirty-six thousand three hundred and fifty-one dollars.

For the quartermaster general's department, two hundred and ninety-seven thousand one hundred and forty-eight dollars.

For the contingencies of the army, ten thousand dollars.

For quartermaster's supplies, transportation, mathematical instruments, books, and stationery, for the military academy, twelve thousand dollars.

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirty-five thousand dollars.

For pensions to the revolutionary pensioners of the United States, one million five hundred and thirty-eight thousand eight hundred and fifteen dollars.

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

For the current expenses of the ordnance, forty-eight thousand dollars.

For arsenals, thirty-three thousand four hundred dollars.

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

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 Stedford was president, including the sum of one thousand eight hundred and eighty-eight dollars eighty-nine cents, to make up the deficiency in the sum appropriated last year for the payment of brigadier general Beckman, M. Van Buren [Buren,] a member of said court, one thousand six hundred and twenty-six dollars and eighty-nine cents.

For the annuity to the Creek Indians, under the treaty of the eighth of January, one thousand eight hundred and twenty-one, with that tribe, five thousand dollars.

For the employment of teams, and for extra pay and rations to soldiers to be employed for the completion of the military road from Plattsburg to Sackett's Harbour, three thousand five hundred dollars.

For compensation to Captain Terry Runnels, due him for the transportation of baggage in the late Seminole war, forty-eight dollars.

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 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 the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

APPROVED, March 3, 1823.

To be paid from the Treasury.

Proviso.

Proviso.

STATUTE II.

CHAP. XXVII.—*An Act making further appropriations for the military service of the United States, for the year one thousand eight hundred and twenty-three, and for other purposes.*

March 3, 1823.

[Obsolete.]

*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:

Further appropriations for the military service.

For pay allowed by law to the superintendent of Indian affairs at St. Louis, and the several Indian agents, twenty-six thousand five hundred dollars.

For pay allowed by law to sub-agents, eleven thousand dollars.

For presents to Indians, as authorized by the law of one thousand eight hundred and two, fifteen thousand dollars.

For contingent expenses of the Indian Department, ninety thousand dollars.

To enable the President of the United States to take such measures as may be necessary to purchase the right, title, and interest, which cer-

Act of March 30, 1802, ch. 13, sec. 13.

tain Indians have in three several tracts of land of four hundred acres each, lying in the county of Tuscaroras, in the state of Ohio, which were granted by Congress, in seventeen hundred and ninety-six, to the society of United Brethren, on trust, for the sole benefit of said Indians, the purchase to be made with the consent of said Society, one thousand dollars.

To purchase certain tracts of land, in the state of Georgia, reserved to the Indians, in fee, by the treaties with the Creek Indians, of the ninth day of August, one thousand eight hundred and fourteen, and of the eighth day of January, one thousand eight hundred and twenty-one; and by the treaties with the Cherokee Indians, of the eighth day of July, one thousand eight hundred and seventeen, and of the twenty-seventh day of February, one thousand eight hundred and nineteen, fifty thousand dollars.

To be paid out of the treasury.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the several sums hereby [hereby] appropriated, 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 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 such person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, 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.

Unexpended appropriation for the Choctaw treaty to be employed for a modification of said treaty.

SEC. 3. *And be it further enacted*, That, so much of the appropriation of sixty-five thousand dollars, made by the act of the third of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth October, eighteen hundred and twenty, with the Choctaw [Choctaw] Indians, as remains unexpended, may, under the direction of the President of the United States, be employed in obtaining such a modification of said treaty, as to have established as the eastern boundary of the cession made by that treaty to the Choctaws, and as the western boundary of the territory of Arkansas, a line due south from the southwest corner of the state of Missouri to Red river; and for running the line thus modified, and removing all obstructions to a due execution of the stipulations of the treaty of eighteen hundred and twenty.

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

CHAP. XXVIII.—*An act to amend "An act for the establishment of a territorial government in Florida," and for other purposes.* (a)

East and West Florida to constitute a territory under the name of the territory of Florida.

Governor and his duties.

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

(a) See notes to the act of March 30, 1822, ch. 13.

militia of the said territory, and be, ex-officio, superintendent of Indian affairs; and shall have power to grant pardons for offenses [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, by and with the consent of the legislative council, 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 a secretary of the territory shall 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.

Secretary and his duties.

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; who shall, in no case, leave the said territory without permission first had of the President of the United States.

In case of death, &c., of the governor, the secretary to act in his place.

SEC. 5. *And be it further enacted*, That the legislative powers shall be vested in the governor, and in thirteen fit and discreet persons of the territory, nine of whom shall constitute a quorum to do business, 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, or from among the inhabitants of the territory, resident there at the session; but no person shall be eligible as a member of the said legislative council, who shall not have resided in the said territory at least six months previous to his appointment. The governor and legislative council shall have legislative powers over all 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. The governor shall publish, throughout the said territory, all the laws which shall be made; and shall, on or before the first of December, in each year, report the same to the President of the United States, to be laid before Congress; which, if disapproved of 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 United States, nor to interfere with the claims to lands within the said territory. The legislative council shall hold a session once in each year, commencing on the first Monday in May, in each and every year, but shall not continue longer in session than four weeks after the first session, which shall not continue longer than eight weeks; to be held in the city of St. Augustine, or at such other place or places, as the governor and council may, from time to time, 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.

Legislative powers vested in the governor and legislative council, which latter shall be appointed annually by the President.

Powers of the legislature.

SEC. 6. *And be it further enacted*, That every bill which shall have passed the legislative council, shall, before it become a law, be presented to the governor. If he approve of it, he shall sign it; and, if not, he shall return it, with his objections, in writing, to the legislative council, who shall enter the objections at large on their journal, and proceed to

Bills which have passed the legislative council, to be presented to the governor.



reconsider it. If, after such reconsideration, two thirds of the members of the legislative council agree to pass the bill, it shall become a law; and the names of the persons voting for or against the bill shall be entered on the journal: *Provided, nevertheless,* That all bills to tax the inhabitants of the said territory, or their property, shall, before they become laws, receive the sanction of Congress; except when the said bills shall authorize county, city, and town, officers to collect taxes for the use and benefit of their respective counties, cities, and towns; and for no other purposes.

Proviso.

Judiciary.

SEC. 7. *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 his court on the first Mondays in May and November, 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 May and November, in each year, and at such other times and places as the legislative council shall direct.

Jurisdiction of the courts.

Within its limits herein described, each court shall have jurisdiction in all criminal cases; and exclusive jurisdiction in all capital offences; 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 in 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 shall be established by the legislative council. And the said judges may adjourn their respective courts to any other time or place, whenever St. Augustine or Pensacola shall be infected with a malignant fever; and writs of error and appeal from the final decisions of the said superior [superior] courts, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same manner and under the same regulations, as from the circuit courts of the United States, where the amount in controversy [controversy,] to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

Clerks of court.

Writs of error and appeal.

Courts to exercise the same jurisdiction as those in Kentucky under the acts of Sept. 24, 1789, ch. 20, and March 2, 1793, ch. 22.

SEC. 8. *And be it further enacted,* That each of the said superior [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 courts of the United States, approved the twenty-fourth 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 of March, one thousand seven hundred and ninety-three, was vested in the court of Kentucky district. And writs of error and appeal from the decisions in the said superior [superior] courts, 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.

Clerks to keep records.

Attorneys to be appointed for East and

SEC. 9. *And be it further enacted,* That there shall be appointed two persons, learned in the law, to act as attorneys of 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 their stated fees, in civil cases, shall be paid, as a full compensation for all extra services, annually, the sum of two hundred dollars. There shall also be appointed two marshalls, [marshals] one for each of the said superiour [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 marshalls [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 extra services, and shall also be subject to such regulations and penalties as the legislative council shall impose, while acting under, and in virtue of, the territorial laws.

SEC. 10. *And be it further enacted*, That the governor, secretary, judges of the superiour [superior] courts, district attorneys, marshalls, [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, before a judge of the Supreme or district court of the United States, or before a judge or justice of the peace of the territory. The governor shall receive an annual salary of two thousand five hundred dollars: the secretary, of one thousand five hundred, and the judges, of fifteen hundred each; to be paid quarterly, 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, or breach of the peace, during their going to, attendance at, and returning from, each session of said council.

SEC. 11. *And be it further enacted*, That 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 of February, one thousand eight hundred and nineteen, in favour of Spanish vessels and their cargoes, and all other public acts of the United States, not inconsistent or repugnant to the provisions of this act, now in force, or which may hereafter be in force, shall extend to, and have full force and effect in, the territory aforesaid.

SEC. 12. *And be it further enacted*, That, to the end that the inhabitants may be protected in their liberty, property, and religion, no law shall ever be valid which shall impair, or in any wise restrain, the freedom of religious opinions, professions, and 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 proportionate to the offence, and excessive bail shall not be required, nor cruel or unusual [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. 13. *And be it further enacted*, That all free male white persons, of full age, who are house-keepers, and who have resided one year in the said territory, shall be qualified to act as grand and petit jurors in the courts of the said territory, and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the

West Florida, and to receive each 200 dollars.

A marshal for each of the courts with a salary of 200 dollars for extra services.

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

Judicial officers to hold their offices for four years.

Salaries.

Privileges of the legislative council.

Revenue laws of the United States to have effect in the territory.

Privileges of the inhabitants.

Jurors.

judges of the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and be least burthensome to the inhabitants of the said territory.

No slave to be imported from places out of the United States, under a penalty of 300 dollars, and the freedom of the slave.

SEC. 14. *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 any 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.

Territory entitled to one delegate to Congress.  
Proviso.

SEC. 15. *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 other territories of the United States: *Provided*, That no person shall be eligible for that office who shall not have resided at least twelve months in the said territory. The 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, soldiers of the United States excepted, who shall, under no circumstances, be qualified to vote.

Former act for the government of the territory repealed, when inconsistent with the provisions of this act.

Act of March 30, 1822, ch. 13.

SEC. 16. *And be it further enacted*, That an act, entitled "An act for the establishment of a territorial government in Florida," be, and the same is hereby, repealed, so far as the same is inconsistent with the provisions of this act; and that the proceedings of the last session of the legislative council of Florida be, and the same are hereby, confirmed, to remain in full force and effect until the end of the next session of the said council, unless sooner altered, modified, or repealed, with the exception of all revenue laws imposing taxes on the inhabitants or their property, and the law authorizing the governor to borrow five thousand dollars on the credit of the said territory, and the law establishing county courts, which are hereby declared null and void; *Provided*, That no loan of money already made or obtained, under said law, shall be effected [affected] by this act, and that the act approved the second of September, one thousand eight hundred and twenty-two, by the governor, repealing all the laws and ordinances in force in the said territory, shall be, and is hereby, declared to have effect on the day of its passage by the legislative council, and not of its approval by the governor.

Proviso.

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

CHAP. XXIX. — *An Act amending, and supplementary to, the "Act for ascertaining claims and titles to land in the territory of Florida," and to provide for the survey and disposal of the public lands in Florida. (a)*

Powers of the present commissioners of claims to be confined to West Florida.

Three commissioners to be appointed for East Florida.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the powers of the board of commissioners heretofore appointed, for ascertaining claims and titles to lands in the territory of Florida, shall be confined, exclusively, to the examination of titles and claims in that portion of said territory, heretofore known as West Florida; and that, for ascertaining titles and claims in East Florida, the President is hereby authorized, in the recess of the Senate, to appoint three commissioners, which appointments shall be of

(a) See notes to the act of May 8, 1822, ch. 129, ante, page 709, for the decisions of the courts of the United States on titles to land in Florida, &c.

force until the end of the next session of Congress thereafter, who may appoint their secretary, and who, with their secretary, shall, within the district of East Florida, possess all the powers given by, perform all duties [duties] required, and shall, in all respects, be subject to, the provisions and restrictions of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands in the territory of Florida," except [except] so far as the same is altered or changed by the provisions of this act; which board of commissioners, heretofore appointed, with that hereafter appointed, shall hold their sessions, severally, at the place within their respective districts, heretofore designated by law; but may adjourn to some other convenient place within their district, and may continue their sessions until the second Monday in February next, when they shall make a return of their proceedings to the Secretary of the Treasury, to be laid before Congress.

Act of May 8,  
1822, ch. 129.

Commission-  
ers to make re-  
turn to the Se-  
cretary of the  
Treasury.

SEC. 2. *And be it further enacted*, That, in the examination of titles to land before either of said boards of commissioners, the claimant or claimants shall not be required to produce in evidence the deraignment of title from the original grantee or patentee, but the commissioners shall confirm every claim in favour of actual settlers at the time of session [cession] of the said territory to the United States, where the quantity claimed does not exceed three thousand five hundred acres, where such deraignment cannot be obtained, the validity of which has been recognised by the Spanish government, and where the claimant or claimants shall produce satisfactory evidence of his, her, or their, right to the land claimed: And said commissioners shall have the power, any law to the contrary notwithstanding, of deciding on the validity of all claims derived from the Spanish government in favour of actual settlers, where the quantity claimed does not exceed three thousand five hundred acres.

Claims in fa-  
vour of actual  
settlers at the  
time of cession  
to be confirmed.

SEC. 3. *And be it further enacted*, That each of the commissioners heretofore appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive compensation in proportion to that heretofore allowed him. And each of the commissioners hereafter appointed for East Florida, who shall actually perform the duties assigned him, shall receive the sum of two thousand dollars, as a full compensation, payable quarterly, from the Treasury of the United States.

Compensation  
of commission-  
ers.

SEC. 4. *And be it further enacted*, That it shall be the duty of the district attorneys for said districts, respectively, whenever required to do so by the commissioners within his district, to attend them for the purpose of arguing and explaining any points of law that may be deemed necessary to be examined; and said attorney shall be entitled to the same compensation therefor as when attending on the district court of said territory.

District attor-  
neys to attend  
the commission-  
ers when re-  
quired.

SEC. 5. *And be it further enacted*, That all claims not filed with the commissioners of the district, where the land claimed is situated, in the manner prescribed by the act to which this is an amendment, on or before the first day of December next, shall be held to be void and of none effect.

Claims not  
filed on or be-  
fore 1st Dec.  
next, to be void.

SEC. 6. *And be it further enacted*, That it shall be the duty of the marshal [marshal] to execute and make return of all process which may be issued by the said commissioners, or the commissioners may, where they deem it necessary, authorize and empower any other person to execute and return said process.

Marshal to  
execute and  
make return of  
process.

SEC. 7. *And be it further enacted*, That, so soon as the commissioners shall have decided and reported on the private claims in said territory of Florida, a surveyor shall be appointed for the territory of Florida, who shall keep his office at such place, within the said territory, as the President of the United States shall designate; and shall receive the sum of

Surveyor to  
be appointed.

His salary.

two thousand dollars, payable quarterly, at the treasury of the United States.

Land offices to be established.

SEC. 8. *And be it further enacted*, That, for the disposal of the lands of the United States lying in the district of East Florida, a land office shall be established and kept at such place, within said district, as the President of the United States shall direct; and that, for the disposal of the lands of the United States lying in the district of West Florida, a land office shall be established at such place, in said district, as the President of the United States shall direct.

When land offices are to be opened.

SEC. 9. *And be it further enacted*, That, so soon as, in the opinion of the President of the United States, there shall be a sufficient quantity of the public lands surveyed, within either of the districts of East or West Florida, to authorize the opening of one or both of the land offices aforesaid, he shall cause the same to be opened, and shall proceed, from time to time, to appoint, with the advice and consent of the Senate, for each of the said offices, a register and receiver of the public moneys, who shall give security, in the same sums, and in the same manner, and whose compensation, emoluments, duties, and authority, shall, in every respect, be the same, in relation to the lands to 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.

The President to offer the lands for sale, and when.

SEC. 10. *And be it further enacted*, That, whenever a land office shall have been established in either of the districts aforesaid, and a register and receiver of public moneys appointed for the same, the President of the United States shall be, and he is hereby, authorized to direct so much of the public lands, lying in such district, as shall have been surveyed according to law, to be offered for sale, in the same manner, and with the same reservations and exceptions, and on the same terms and conditions, in every respect, as have been or may hereafter be, provided for the sale of the public lands of the United States.

An entire township in each of the districts to be reserved for a seminary of learning.

SEC. 11. *And be it further enacted*, That an entire township, in each of the districts of East and West Florida, shall be reserved from sale, for the use of a seminary of learning, to be located by the Secretary of the Treasury.

Rivers and waters of the territory to be public highways.

SEC. 12. *And be it further enacted*, That all the navigable rivers and waters in the districts of East and West Florida shall be, and forever remain, public highways.

Part of the former act of May 8, 1822, ch. 129, repealed.

SEC. 13. *And be it further enacted*, That so much of the act, approved the eighth day of May, one thousand eight hundred and twenty-two, entitled "An act for ascertaining claims and titles to land in the territory of Florida," as is inconsistent with the provisions of this act, be, and the same is hereby, repealed; and so much thereof as provides for the appointment of a surveyor general, and allows him to charge fees, is hereby repealed.

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

CHAP. XXX.—*An Act providing for the examination of the titles to land in that part of the state of Louisiana, situated between the Rio Hondo and the Sabine river.*

See act of May 26, 1824, ch. 182.

Land between the Rio Hondo and Sabine river, in the state of Louisiana, at

*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 situated between the Rio Hondo and Sabine river, within the state of Louisiana, and, previously to the treaty of the twenty-second of February, one thousand eight hundred and nineteen, between the United States and Spain, called the neutral territory, be, and the same is hereby,

attached to the district south of Red river; and the register and receiver of the land office, in said district, are required to receive and record all written evidences of claim to land in said tract of country, derived from, and issued by, the Spanish government of Texas, prior to the twentieth day of December, one thousand eight hundred and three, according to the regulations, as to the granting of lands, the laws and ordinances of said government, and to receive and record all evidences of claim, founded on occupation, habitation and cultivation, designating particularly the time and manner in which each tract was occupied, inhabited, or cultivated, prior to, and on, the twenty-second February, eighteen hundred and nineteen, and the continuance thereof subsequent to that time, with the extent of the improvement on each tract, and to receive and record such evidence as may be produced, touching the performance of the conditions required to be performed by any holder of any grant, concession, warrant, or order of survey, or other written evidence of claim, and on which the validity of such claim may have depended under the government from which it emanated, and to receive and record all evidence of fraud in obtaining or issuing the written evidence of such claims, and of their abandonment or forfeiture.

SEC. 2. *And be it further enacted*, That the register and receiver, as aforesaid, shall transmit to the Secretary of the Treasury, a complete record of all the claims presented to them under this act, and the evidence appertaining to each claim, and shall also make out and transmit, to the Secretary of the Treasury, an abstract containing the whole number of claims, in four distinct classes, the first of which shall contain a specification of the nature and extent of complete titles, the time when, and by whom, issued, and to whom, with the date of any transfer, the name of the person transferring, and to whom transferred, and where the conditions of such grant or patent have been complied with; the second shall contain all claims founded on written evidence and not embraced in the first class, and where the conditions on which the perfection thereof into complete titles may have depended, according to the laws and ordinances of the Spanish government, are shown to have been complied with: the third class shall consist of claims founded on habitation, occupation, or cultivation, previously to twenty-second of February, one thousand eight hundred and nineteen, and in the manner which would have entitled the claimants to a title under the government exercising the sovereign power over that tract of country, and which, in their opinion, ought to be confirmed; the fourth class shall consist of those claims, which, in the opinion of the register and receiver, ought not to be confirmed: *Provided*, That nothing contained in this act shall be considered as a pledge on the part of Congress to confirm any claim thus reported.

SEC. 3. *And be it further enacted*, That it shall be the duty of the register and receiver aforesaid, after suitable notice to claimants, of the time and place of their meeting, and the object thereof, be given by them, to hold their session at Natchitoches, so long as may be necessary for the performance of the duties herein prescribed, and shall be allowed the sum of five hundred dollars each, as a full compensation for the services required to be performed by this act.

APPROVED, March 3, 1823.

tached to the district south of Red river.

Register and receiver to receive and record evidences of claims.

Register and receiver to transmit to the Secretary of the Treasury a record of all claims, and the evidence.  
Classes of claims.

Proviso.

Register and receiver to hold their session at Natchitoches.

STATUTE II.

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

March 3, 1823.

[Obsolete.]

Sums appropriated for the year 1823.

*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-three; that is to say:

- Officers and attendants of Congress. For compensation to the officers, and attendants, of the Senate and House of Representatives, twenty-nine thousand two hundred dollars.
- Contingent expenses of Congress. For the expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, forty thousand dollars.
- Library, and librarian of Congress. For the expenses of the library of Congress, including the salary of the librarian, one thousand nine hundred and fifty dollars.
- President. For the gradual increase of the library, two thousand dollars.
- Vice President. For compensation to the President of the United States, twenty-five thousand dollars.
- Secretary of State. For compensation to the Vice President of the United States, five thousand dollars.
- Clerks. 1818, ch. 87. For compensation to the Secretary of State, six thousand dollars.
- Messengers. For compensation to the clerks in the Department of State, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.
- Contingent expenses. For compensation to the messengers in said department, including the messenger in the patent office, one thousand four hundred dollars, in full of all allowances.
- Additional commercial digest. Jan. 21, 1823. For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, eighteen thousand eight hundred dollars.
- Secretary of the Treasury. For preparing and reporting an additional commercial digest, pursuant to a resolution of the House of Representatives, [Representatives,] of the twenty-first January, one thousand eight hundred and twenty-three, one thousand dollars.
- Clerks. 1818, ch. 87. For compensation to the Secretary of the Treasury, six thousand dollars.
- Additional clerk. For compensation to the clerks in the office of the Secretary of the Treasury, per act of the twentieth of April, one thousand eight hundred and eighteen, ten thousand four hundred dollars.
- Messengers. For an additional clerk in said office, from first of July, one thousand eight hundred and twenty-two, to thirty-first of December, one thousand eight hundred and twenty-three, one thousand seven hundred and twenty-five dollars.
- First comptroller. For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Clerks. 1818, ch. 87. For compensation to the first comptroller of the treasury, three thousand five hundred dollars.
- Messengers. 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.
- 2d comptroller. For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Clerks. 1818, ch. 87. For compensation to the second comptroller of the treasury, three thousand dollars.
- Messenger. For compensation to the clerks in the office of the second comptroller, per act of the twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.
- 1st auditor. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Clerks. 1818, ch. 87. For compensation to the first auditor of the treasury, three thousand dollars.
- Messenger. For compensation to the clerks in the office of the first auditor of the treasury, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.
- 2d auditor. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- For compensation to the second auditor of the treasury, three thousand dollars.

For compensation to the clerks in the office of the second auditor, sixteen thousand two hundred dollars.

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

For compensation to the third auditor of the treasury, three thousand dollars.

For compensation to the clerks in the office of the third auditor, twenty-three thousand three hundred and fifty dollars.

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

For compensation to the fourth auditor of the treasury, three thousand dollars.

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.

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

For compensation to the fifth auditor of the treasury, three thousand dollars.

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.

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.

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.

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

For compensation to the treasurer of the United States, three thousand dollars.

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

For compensation to an additional clerk, and also for an assistant to the chief clerk, as allowed since the first of January, one thousand eight hundred and nineteen, twelve hundred dollars.

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

For compensation to the commissioner of the general land office, three thousand dollars.

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.

For compensation to the messenger in said office, and pay of a labourer, nine hundred and forty dollars, in full of all allowances.

For compensation to the register of the treasury, three thousand dollars.

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 three hundred and fifty dollars.

For compensation to the messenger, including the allowance for stamping ships' registers, eight hundred dollars, in full of all allowances.

For an assistant messenger in said office, three hundred and fifty dollars, in full of all allowances.

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

For allowance to the person employed in transmitting passports and sea-letters, for expense of translating foreign languages in the office of

Clerks.  
1818, ch. 87.

Messenger.

3d auditor.

Clerks.

Messengers.

4th auditor.

Clerks.

1818, ch. 87.

Messenger.

5th auditor.

Clerks.

1818, ch. 87.

Clerks to commissioner of revenue.

Clerk on business of agent of the treasury.

Messenger.

Treasurer.

Clerks.

1818, ch. 87.

Additional clerk.

1820, ch. 33.

Messenger.

Commissioner of general land office.

Clerks.

1818, ch. 87.

Messenger.

Register of treasury.

Clerks.

1818, ch. 87.

Messenger, &c.

Assistant messenger.

Secretary to sinking fund.

Translator and contingent expenses.



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-three, thirty thousand three hundred 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.
- Messengers. For compensation to the clerks in the office of the Secretary of War, twenty-two thousand six hundred dollars.
- Paymaster general. Clerks. For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Messenger. For compensation to the paymaster general, two thousand five hundred dollars.
- Commissary general. Clerks. For compensation to the clerks in the office of the paymaster general, three thousand one hundred 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.
- Messenger. For compensation to the clerks in the office of the commissary general of purchases, two thousand eight hundred dollars.
- Adjutant general's clerks. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Clerks of the Ordnance. For compensation to the clerks in the office of the adjutant general, two thousand one hundred and fifty dollars.
- Clerks of commissary general of subsistence. For compensation to the clerks in the ordnance office, two thousand nine hundred and fifty dollars.
- Clerks of chief engineer. For compensation to the clerks in the office of the commissary general of subsistence, two thousand one hundred and fifty dollars.
- Surgeon general's clerk. For compensation to the clerks in the office of the chief engineer, two thousand one hundred and fifty dollars.
- Contingent expenses of War Department. For compensation to the clerk in the surgeon general's office, one thousand one hundred and fifty dollars.
- Secretary of the Navy. Clerks. For the contingent expenses of the War Department, including fuel, stationery, &c., six thousand dollars.
- 1818, ch. 87. For compensation to the Secretary of the Navy, six thousand dollars.
- Messengers. For compensation to the clerks in the office of the Secretary of the Navy, per act of the twentieth of April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.
- Contingent expenses. For compensation to the messengers in said office, one thousand and fifty dollars in full of all allowances.
- Commissioners of navy board. For the contingent expenses of said office, two thousand dollars.
- Secretary of commissioners. For compensation to the commissioners of the navy board, ten thousand five hundred dollars.
- Clerks. For compensation to the secretary of the commissioners of the navy board, two thousand dollars.
- 1818, ch. 87. For compensation to the clerks in the office of the commissioners of the navy board, per act of twentieth April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.
- Other clerks, &c. For compensation of three clerks, and a draftsman, as allowed by the acts of appropriation since the first of January, one thousand eight hundred and nineteen, four thousand dollars.
- Messenger. For compensation to the messenger, in said office, seven hundred dollars, in full of all allowances.
- Contingent expenses. For contingent expenses of said office, seventeen hundred 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.	Security of war and navy buildings.
For compensation to the Postmaster General, four thousand dollars.	Postmaster general.
For compensation to two assistant postmasters general, five thousand dollars.	Assistant P. M. general. Clerks.
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.	1818, ch. 87.
For additional clerk hire, and other expenses in the general post-office, for the year one thousand eight hundred and twenty-two, three thousand four hundred and eighty-one dollars and ninety-eight cents.	
For the salaries of two additional clerks in the general post-office, one thousand six hundred dollars.	
For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.	Messengers.
For contingent expenses of said office, four thousand dollars.	Contingent expenses.
For compensation to the surveyor general, two thousand dollars.	Surveyor general.
For compensation to the clerks in the office of the surveyor general, two thousand one hundred dollars.	Clerks.
For compensation to the surveyor south of Tennessee, two thousand dollars.	Surveyor south of Tennessee.
For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.	Clerks.
For compensation to the surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.	Surveyor in Illinois and Missouri, &c.
For compensation to the clerks in the office of the said surveyor, two thousand dollars.	Clerks.
For compensation to the surveyor in Alabama, two thousand dollars.	Surveyor in Alabama.
For compensation to the clerks in the office of the said surveyor, one thousand five hundred dollars.	Clerks.
For compensation to the commissioner of the public buildings, at Washington city, one thousand five hundred dollars.	Commissioner of public buildings.
For compensation to the late commissioner of loans in Georgia, from the second of September, one thousand eight hundred and eight, to the thirteenth of June, one thousand eight hundred and ten; and for printing and stationery, as settled at the treasury, one thousand three hundred and sixty-five dollars seventy-two cents.	Late commissioner of loans in Georgia, &c.
For compensation to the officers and clerk of the mint, nine thousand six hundred dollars.	Officers and clerk of the mint.
For persons employed in the different operations of the mint, ten thousand dollars.	Persons employed in the mint.
For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage, of the mint, ten thousand one hundred and fifty dollars.	Contingent expenses, &c.
For compensation to the governor, judges, and secretary, of the Arkansas territory, six thousand six hundred dollars.	Governor, &c. of Arkansas.
For the contingent expenses of the Arkansas territory, three hundred and fifty dollars.	Contingent expenses.
For compensation to the governor, judges, and secretary, of the Michigan territory, six thousand six hundred dollars.	Governor, &c. of Michigan.
For the contingent expenses of the Michigan territory, three hundred and fifty dollars.	Contingent expenses.
For compensation to the governor, judges, and secretary, of the Florida territory, including arrearages [arrearages] for the year one thousand eight hundred and twenty-two, eleven thousand six hundred and forty-nine dollars and seventy cents.	Governor, judges, &c. of Florida.
For compensation and travelling expenses of the members of the legislative council; and for the contingent expenses of the territory;	Legislative council.

including arrearages [arreages] for the year one thousand eight hundred and twenty-two, thirteen thousand three hundred and eighty-six dollars and fifty-four cents.

Commissioners of land claims in Florida, &c.

For compensation to three commissioners to settle land claims in said territory, including arrearages [arreages] for the year one thousand eight hundred and twenty-two, nine thousand eight hundred and ninety dollars and eleven cents.

Chief justice, &c. 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 four 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 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 [marshals.] as granted by law, including those in the several territories, nine thousand nine hundred seventy-three dollars and sixty-three cents.

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, sixty-five thousand dollars.

Sundry pensions.

For the payment of sundry pensions, granted by the late and present governments, two thousand two hundred and fifty dollars.

Lighthouses.

For the support and maintenance of lighthouses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs, and improvements, and contingent expenses, one hundred and two thousand four hundred and forty-one dollars and sixty-five cents.

Buoys.

For procuring and placing three buoys on the bar near the port of Georgetown, South Carolina, in addition to the sum heretofore appropriated for that object, six hundred dollars.

Surveying.

For surveying the public lands of the United States, one hundred and ninety-seven thousand dollars.

Capitol.

For carrying on the centre building of the Capitol, 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.

Stationery, &c. for commissioners of loans.  
Miscellaneous claims.

For stationery and books, for the offices of commissioners of loans, six thousand and thirty-five dollars and ninety-three 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.

Ministers, &c. of the United States.

For the salaries of the ministers of the United State [States] to London, Paris, St. Petersburg, Lisbon and Madrid, with the salaries of their several secretaries of legation and the salaries of the charge d'affaires at the Hague and at Stockholm, sixty-four thousand dollars.

Contingent expenses.

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

Agents of claims.

For the salaries of the agents of claims at London and Paris, eight thousand dollars.

Commissioners, &c. under 11th article of Spanish treaty.

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

Treaty of Ghent.

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, sixteen thousand dollars.

For the corporation of the city of Washington, to re-imburse the said corporation a just portion of the expense of making streets, and other improvements, adjoining the public property, five thousand dollars.

For carrying into execution the convention recently ratified, relating to the slaves carried away in contravention to the first article of the treaty of Ghent, twenty thousand dollars.

For surveying and marking the boundary line between the state of Missouri and territory of Arkansas, the sum of three thousand dollars, to be expended under the direction of the Secretary of the Treasury.

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, 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, or to the appropriation for compensation to the Vice President of the United States; 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 the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

APPROVED, March 3, 1823.

Corporation  
of the city of  
Washington.

Convention  
of St. Peters-  
burg.

Boundary  
line of Mis-  
souri.

Proviso.

Proviso.

## STATUTE II.

March 3, 1823.

[Obsolete.]  
Special ap-  
propriations for  
the navy.

CHAP. XXXII.—*An Act making appropriations for the support of the navy of the United States, for 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, for defraying the expenses of the navy for the year one thousand eight hundred and twenty-three, the following sums be, and the same are hereby, respectively appropriated:

For the pay and subsistence of the officers, and pay of the seamen, nine hundred and twenty-nine thousand five hundred and three dollars and twelve cents, including the sum of twenty-six thousand eight hundred and eighty-six dollars for six months' pay for the petty officers, able seamen, ordinary seamen, and boys, required for a frigate of forty-four guns.

For provisions, two hundred and twenty thousand dollars.

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

For the repairs of vessels, three hundred and fifty thousand dollars.

For the improvement of navy yards, docks and wharves, eighty-two thousand dollars.

For ordnance and ordnance stores, including small arms, manufacture of powder, &c. twenty thousand dollars.

For pay of superintendents, naval constructors, store-keepers, inspectors of timber, clerks of the yards, and artificers, forty-four thousand six hundred and fifty dollars, including the sum of four thousand one

hundred dollars, to cover a deficiency in the appropriation of the year eighteen hundred and twenty-two.

For labourers and teams employed in loading and unloading vessels, piling, docking, and removing timbers, stores, &c. and fuel for the engine, thirty thousand dollars, including the sum of ten thousand dollars to cover a deficiency in the appropriation of the year eighteen hundred and twenty-two.

For contingent expenses, two hundred and twenty thousand dollars.

For erecting and completing houses over ships in ordinary, for their preservation from the weather, eighty thousand dollars.

For the construction of a dock and wharves, in connection with the inclined plane erected at the navy yard in Washington, fifty thousand dollars.

For pay and subsistence of the marine corps, one hundred and seventy-six thousand four hundred and seventy-four dollars.

For clothing for the same, twenty-nine thousand dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand eight hundred and fifty-seven dollars and fifty cents.

For contingent expenses for the same, that is to say, fuel for the 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, fourteen thousand dollars.

1819, ch. 101. To enable the President of the United States to carry into effect the act entitled "An act in addition to the acts prohibiting the slave trade," fifty thousand dollars.

For shot, shells, and military stores, being the amount of the unexpended [unexpended] balance of appropriations for previous years, four thousand and thirty-five dollars and ninety-five cents.

For military stores of the marine corps, being the amount of the unexpended balance of appropriations for previous years, ten thousand five hundred dollars and thirty-five cents.

To be paid  
out of the  
treasury.  
Proviso.

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, 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 the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Proviso.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

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

Post-roads  
discontinued.

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

Massachusetts.

*In Massachusetts*.—From Monson to Palmer.  
From Brimfield to Sturbridge.

- In Rhode Island.*—From Providence to Chepachet, in Gloucester.
- In Pennsylvania.*—From Greensburg, in Beaver county, through Mount Jackson, New Castle, and Mercer, to Franklin.
- In North Carolina.*—So much of the route from Warrenton, North Carolina, to Edonton, [Edenton,] as lies between Halifax and Murfreesborough.
- The route from Tarborough to Scotland Neck, and from Stantonsburg to Fayetteville.
- In Kentucky.*—From Bowling Green to Corydon, in Indiana.
- In Tennessee.*—From Lebanon to Mount Richardson.
- In Ohio.*—From Chillicothe, through Wilmington, in Clinton county, and Lebanon, in Warren county, to Cincinnati.
- In the Floridas.*—From Pensacola to St. Marks, thence to Volutia Dexter's, on St. John's river, and thence to St. Augustine.
- SEC. 2. *And be it further enacted,* That the following mail-routes shall be, and the same are hereby, established, to wit:
- In Maine.*—From Scowhegan Bridge, in Canaan, Somerset county, passing through Madison and Solon, to Solon post-office.
- From the town of Harmony, in the county of Somerset, through Ripley, Parkman, Sangerville, Guilford, Foxcraft, and Dover, to Sebee, in the county of Penobscott.
- From Belfast to Frankfort, through Swanville and Monroe, in lieu of the present route, which is hereby repealed.
- In Massachusetts.*—From Springfield through Wilbraham, Monson, Brimfield, Sturbridge, and Southbridge, to Thompson, in Connecticut, and thence through Chepachet, to Providence, in Rhode Island.
- In Connecticut.*—From Spencer's corner, in Northeast, Dutchess county, New York, by the meeting house, in Salisbury, to the post-office in North Canaan.
- In New Hampshire.*—From Hancock, through Stoddart, to Marlow.
- From Crawford's, in Nash and Sawyer's location, to Littleton post-office.
- In Vermont.*—From Poultney to Whitehall, in New York.
- In New York.*—From Almond, by Alfred, to Independence in Alleghany county.
- From Wayne, Steuben county, to Trumansburgh, in Tompkins county.
- From Buffalo, in Erie, to Olean, in the county of Cataragus, passing through the towns of Hamburg, Boston, Concord, and Ellicottsville.
- From Elliott's, by Royalton, to Hartland post-office.
- From the village of Greene, in Chenango county, to Cincinnatus, in Courtland county, passing through the Big Flats, in the town of Smithfield, and Livermore's tavern, in Germantown.
- From Morgansville, at the mouth of the Tonnewonta creek, in Niagara county, to Lockport.
- From Potsdam, on the turnpike, by Canton, to Ogdensburgh on the mail-route from Plattsburgh, by Malone, to Ogdensburgh.
- From Albany to Ranslaerville, [Rensselaerville,] through the towns of Bethlehem and Burn, to intersect the post-road from Albany to Susquehanna, by the way of the Delaware turnpike, to Milfordville.
- In Pennsylvania.*—From the city of Lancaster, along the White Horse [House] road, to where it intersects the state road leading from West Chester to M'Call's Ferry.
- From Kimberton to the Yellow Springs.
- From Greensburgh, in Beaver county, through Mount Jackson and New Castle, to Harlemburg.
- From Warren, in the county of Warren, to Olean, in New York; to pass by the mouth of Great Valley and Kinkum Creeks.

Post-roads  
established.  
Rhode Island.  
Pennsylvania.  
North Carolina.

Kentucky.  
Tennessee.  
Ohio.

Florida.

Mail-routes  
established.

Maine.

Massachusetts.

Connecticut.

New Hampshire.

Vermont.  
New York.

Pennsylvania.

Post-roads  
established.

From Mercer, in the county of Mercer, to Franklin, in the county of Venango.

From the South Branch of Towanda creek, in Bradford county, by way of the Susquehanna and Tioga turnpike, to Elmira, in the state of New York.

From Allentown, Lehigh county, through Heidelburgh township, to Mauch Chunk, in Northampton county.

New Jersey.

*In New Jersey.*—From Flagtown to Somerville.

From Trenton, by Allentown and Crosswick, to Bordentown.

Virginia.

*In Virginia.*—From Fredericksburg, by Danielsburg, Orange Springs, and River Bank, to Orange Courthouse.

That the route from Lombardy Grove, in Mecklenburg county, do pass by Hakinton and Langley's old store, to St. Tammany, in said county.

That the route from Richmond to King and Queen Courthouse, do pass through Walkerton and Stevensville.

From Giles' Courthouse, by Charles Dingess's, Samuel Park's and Shoemate's, the Falls of Guyandotte, to Barbersville in Cabell county.

From Boon's, in Montgomery, to Grayson Courthouse.

From Hull's store, in Pendleton, to the Courthouse of Pocahontas.

From New London, to Calland's store, in Pittsylvania, to pass through Leesville, in Campbell county.

From Richmond, along the road called Le Pradt's, by Powhatan Courthouse, to Farmsville, instead of the route now established.

From Richmond, by Chesterfield Courthouse, Mechanics' Inn, Colesville, Wilkinsonville, Genits Bridge, Tunstilville, Cassell's store, Amelia Courthouse, Paineville, and James Town, to Farmville, instead of the route now established.

North Carolina.

*In North Carolina.*—From Baltimore, Maryland, by water, to Norfolk, in Virginia, from thence, passing through Murfreesborough, Halifax, and direct to Tarborough; and from thence, through Stantonsburgh, and Waynesborough, to Fayetteville, in North Carolina.

That the route from Fayetteville to Wadesborough, be so altered as to pass from Rockingham, by Snudsborough, to Wadesborough, and return by Beard's store, Allenton, Steel's mills, and Morris's Store to Fayetteville.

From Salisbury to Lincolnton and Wilksborough, now established, do return to Salisbury by Sherrell's Ford, Lincoln county, and Mrs. Stewart's, in Iredell county.

South Carolina.

*In South Carolina.*—From Cheraw to Coburn's store, in North Carolina.

From Spartansburg Courthouse to York, by Hancockville, Gandy's store, Hopewell, and Thompson's tan-yard.

Georgia.

*In Georgia.*—From Monticello to Covington, Newton county, then to Henry Courthouse, then to Monroe Courthouse, and thence to Monticello.

Tennessee.

*In Tennessee.*—From Columbia, by Waynesborough, in Wayne county, Hardinsville, in Hardin county, Perry Courthouse, in Perry county, Lexington, in Henderson county, Carroll Courthouse, in Carroll county, and the town of Jackson, in Madison county, to Memphis, in Shelby county.

From Athens, formerly Mount Pleasant, in the county of McMin, by the way of Columbus, to the Spring place, on the Georgia road, in the Cherokee nation.

Kentucky.

*In Kentucky.*—From Flemingsburg to Owingsville, to go alternately by its present route and by Poplar plains, Alexander's mills, on Licking, and thence to Owingsville, instead of the route by Anderson's mills, on said river.

From Burksville to Knoxville, in Tennessee

From Prestonsburg, in Floyd county, to the Courthouse in Pike county.

Post-roads  
established.

From Perry Courthouse to Mount Pleasant, in Harlan county.

From Bowling Green to Louisville, by Woodsonville, Monfordsville, Elizabeth, and the mouth of Salt river; and that the present route from Louisville to Woodsonville be discontinued, as soon as the route now established is carried into operation.

From Hopkinsville to Eddyville, to go and return by Cadiz instead of by the Rocky Ridge [Rocky Ridge.]

*In Ohio.*—That the route heretofore established from Dayton direct to Troy, shall be so changed as to go by Union, in Montgomery county, and Milton, in Miami county, and then to Troy.

Ohio.

That the route from Williamsburg, the seat of justice of Clermont county, to Lebanon, in Warren county, shall be so altered as to pass through the towns of Goshen, Hopkinsville, and Deerfield.

From Lancaster, through Circleville, in Pickaway county, Washington, in Fayette county, Wilmington, in Clinton county, and Lebanon, in Warren county, to Cincinnati.

From Lebanon, in Warren county, to Hamilton, in Butler county, be continued from Indianapolis, in Indiana, to Anderson's town, by way of William Conner's, once in two weeks.

*In Illinois.*—From Green Courthouse, by George Cadwell's, in Morgan county, to Springfield, in Sangamo county; and from Palestine to the seat of justice in Clark county, to the seat of justice in Edgar county; and from the seat of justice in Sangamo, to Stephen Stilman's, in Fancy Grove.

Illinois.

From Shawneetown to Hamilton Courthouse.

From Harrisonville, by Converse's mill, Columbia, and Cahokia, to St. Louis, in lieu of the present route from Harrisonville to St. Louis, which is hereby discontinued.

From Carrolton, by the mouth of Apple creek, Ross' settlement in Pike county, in Illinois, to Louisianaville, in Missouri, and from Coles' Grove, in Pike county, to Carrolton; and the route from Alton to Louisianaville is hereby discontinued.

*In Alabama.*—From Claiborne, by the Tensaw, to Blakely.

Alabama.

From Tuscaloosa to Columbus, by Pickins' Courthouse, in lieu of the present route, which is hereby discontinued.

From Greensborough, by Erie, through what is called the Forks of the Tombigbee and Black Warrior rivers, by the Garden spot, to the Courthouse of Pickens' county.

From Cahaba to Greensborough.

From St. Steven's, by the way of Fort Stoddart, to Mobile.

From Fort Dale, by Emmett's store, in Butler county, to Cahaba.

From Hartford, in the state of Georgia, by Early Courthouse, Attawa's store, in Henry county, Alabama, Pike and Covington Courthouses, to Sparta, and that the route heretofore established, from Fort Hawkins, by Fort Ganes [Gaines] to Conicu Courthouse, to be discontinued.

*In Missouri.*—From St. Louis, to Boonville, by Winchester, Ninian Hamilton's, in the western parts of St. Louis county; Newport, the seat of justice from [for] Franklin county; Gasgonade, the seat of justice of Gasgonade county, the city of Jefferson, the seat of government of the state; and Marion, the seat of justice from [for] Cole county.

Missouri.

*In Michigan Territory.*—From Detroit, by Pontiac, to the Military post at Saganaw.

Michigan.

*In the Floridas.*—From Pensacola, Preolata, on the river St. John's, to St. Augustine, the most convenient and practicable route in the discretion of the Postmaster General.

Florida.

SEC. 3. *And be it further enacted,* That all waters on which steam-boats regularly pass from port to port, shall be considered and established

Steamboat  
routes consid-



ered as post-roads.

as post-roads, subject to the provisions contained in the several acts regulating the Post-office establishment.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Expired.]

Compensation to reporter of Supreme Court decisions.

Proviso.

Distribution of reports.

Copies, in case of decease, to be delivered to successors in office.

Act to continue three years.

STATUTE II.

March 3, 1823.

Judges of the superior courts of Florida to adjust the claims under the ninth article of the Florida treaty.

Decision with evidence to be reported to the Secretary of the Treasury.

CHAP. XXXIV.—*An Act to continue in force the act, entitled "An act to provide for reports of decisions of the Supreme Court," passed the third day of March, one thousand eight hundred and seventeen.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the reporter who shall, from time to time, be appointed by the Supreme Court of the United States, to report its decisions, shall be entitled to receive, from the treasury of the United States, as an annual compensation for his services, the sum of one thousand dollars; *Provided, nevertheless,* The said compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of said court, made during the time he shall act as such reporter, within nine months after such decisions shall be made; and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States; which copies shall be distributed as follows, to wit: to the President of the United States, the judges of the Supreme Court, the judges of the district courts, the Attorney General of the United States, the Secretaries of State, Treasury, War, and Navy, the comptrollers of the treasury, and the judges of the several territories of the United States, one copy each; five copies for the use of each House of Congress; and the residue of the copies shall be deposited in the library of Congress.

SEC. 2. *And be it further enacted,* That in case of the death, resignation, or dismissal from office, of either of the officers before mentioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered over to, their successors in said offices.

SEC. 3. *And be it further enacted,* That this act shall be, and continue, in force for three years, and no longer.

APPROVED, March 3, 1823.

CHAP. XXXV.—*An Act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the twenty-second day of February, one thousand eight hundred and nineteen.* (b)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the judges of the superior courts established at St. Augustine and Pensacola, in the territory of Florida, respectively, shall be, and they are hereby, authorized and directed to receive and adjust all claims, arising within their respective jurisdictions, of the inhabitants of said territory, or their representatives, agreeably to the provisions of the ninth article of the treaty with Spain, by which the said territory was ceded to the United States.

SEC. 2. *And be it further enacted,* That, in all cases in which said judges shall decide in favour of the claimants, the decisions, with the evidence on which they are founded, shall be, by the said judges, reported to the Secretary of the Treasury, who, on being satisfied that the same is just and equitable, within the provisions of the said treaty, shall pay the amount thereof to the person or persons in whose favour the same is adjudged, out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

(a) For the acts relating to the reports of the decisions of the Supreme Court of the United States, see ante, p. 376.

(b) See notes to the act of May 8, 1822, ch. 129, for the decisions of the courts of the United States on Florida land titles.

CHAP. XXXVI.—*An Act to amend the ordinance and acts of Congress for the government of the territory of Michigan, 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 all citizens of the United States, having the qualifications prescribed by the act, entitled "An act authorizing the election of a delegate from the Michigan territory to the Congress of the United States, and extending the right of suffrage to the citizens of said territory," approved February the sixteenth, eighteen hundred and nineteen, shall be entitled to vote at any public election in the said territory, and shall be eligible to any office therein.

SEC. 2. *And be it further enacted,* That the same powers which were granted to the governor, legislative council, and House of Representatives, of the North-western territory, by the ordinance of Congress, passed on the thirteenth day of July, seventeen hundred and eighty-seven, and which powers are transferred to the territory of Michigan by the act, entitled "An act to divide the Indiana territory into two separate governments," approved January the eleventh, eighteen hundred and five, are hereby conferred upon, and shall be exercised by the governor and a legislative council: which council shall consist of nine persons, any five of whom shall be a quorum, and who shall serve for the term of two years, and be appointed as follows, to wit: At the next election of the delegate to Congress from the said territory, after the passing of this act, the qualified electors shall choose, by ballot, eighteen persons, having the qualifications of electors; and such election shall be conducted, certified, and the result declared, agreeably to the territorial law prescribing the mode of electing such delegate. But the time and manner of electing the members of the legislative council shall, after the first election, be prescribed by the legislature of the said territory; and the names of the eighteen persons, having the greatest number of votes, shall be transmitted by the governor of the said territory, to the President of the United States, who shall nominate, and, by and with the advice and consent of the Senate, appoint therefrom, the said legislative council; and vacancies occurring in the said council shall be filled in the same manner, from the list transmitted as aforesaid: And the President shall have power, in the recess of the Senate, to make the appointments authorized by this act; but all appointments, so made, shall be submitted to the Senate at their next session, for confirmation. The first legislative council shall be assembled at such time and place as the governor shall, by proclamation, designate. No session, in any one year, shall exceed the term of sixty days, nor shall any act passed by the governor and the legislative council be valid, after the same shall have been disapproved by Congress. The members of the legislative council shall receive two dollars each, per day, during their attendance at the sessions thereof, and two dollars for every twenty miles in going to, and returning therefrom, in full compensation for their services, and which shall be paid by the United States: *Provided,* That nothing herein contained shall be construed to affect the right of the citizens of said territory to elect a delegate to Congress; and the duties required of the governor [governor] and judges by the act referred to in the first section of this act, shall be performed by the governor [governor] and legislative council.

SEC. 3. *And be it further enacted,* That the powers and duties of the judges of the said territory shall be regulated by such laws as are, or may be, in force therein; and the said judges shall possess a chancery, as well as common law, jurisdiction. The tenure of office of the said judges shall be limited to four years: and on the first day of February,

## STATUTE II.

March 3, 1823.

[Obsolete.]

Citizens qualified by the act of February 16, 1819, ch. 22, entitled to vote, and eligible to any office, in the territory of Michigan.

Powers of the governor and legislative council of Michigan.

Vol. i. 51.  
Act of Jan. 11, 1805, ch. 5.

Council to consist of nine persons.  
Mode of election.

Session of the legislative council not to exceed sixty days.  
Compensation.

Proviso.

Powers of the judges.

Judges to hold office for four years.

(a) See notes to the act of February 16, 1819, ch. 22, for the acts relative to the territory of Michigan.

Proviso.

one thousand eight hundred and twenty-four, and every four years thereafter, the office of each of the said judges shall become vacant: *Provided*, That nothing in this act contained shall be so construed as to deprive the judges of the territory of the jurisdiction conferred upon them by the laws of the United States.

Legislature empowered to submit the question for a general assembly.  
Organization, &c. of a general assembly.

SEC. 4. *And be it further enacted*, That the legislature shall have power to submit, at any time, to the people of the said territory, the question, whether a general assembly shall be organized agreeably to the provisions of the ordinance aforesaid; and, if a majority of the qualified electors shall be in favour of such organization, then the powers vested by this act in the legislative council shall cease and determine, and a general assembly shall be organized, in conformity with the said ordinance, subject to the following provision: The governor [governor] of the said territory shall divide the same into five districts, and the qualified voters in each district shall elect one member of the legislative council, which shall possess the same powers heretofore granted to the legislative council of the North-western territory; and the members of the council shall hold their offices four years; and until there shall be five thousand free white male inhabitants, of twenty-one years and upwards, in said territory, the whole number of Representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor [governor] to the several counties in the said territory, agreeably to the number of free white males above the age of twenty-one years, which they may contain: but after the organization of the general assembly, the apportionment of the representation shall be made by such assembly: *Provided*, That there shall not be more than twelve, nor less than seven, of the whole number of representatives, until there shall be six thousand free white male inhabitants, above the age of twenty-one years; after which, the number of representatives shall be regulated agreeably to the ordinance aforesaid.

Proviso.

Powers of the governor.

SEC. 5. *And be it further enacted*, That the governor [governor] of the said territory shall have power to grant pardons for offences against the laws of the said territory, and reprieves for those against the United States, until the decision of the President thereon [thereon] shall be made known.

Laws of the United States inconsistent with this act repealed as to Michigan.

SEC. 6. *And be it further enacted*, That, so much of the ordinance aforesaid, and laws of the United States, as are inconsistent with the provisions of this act, be, and the same are hereby, as respects the territory of Michigan, repealed.

There shall be only one clerk of the Supreme Court.

SEC. 7. *And be it further enacted*, That from and after the first day of June next, there shall be but one clerk of the supreme court of the territory of Michigan, who shall perform all the duties of clerk of said court, whether sitting as a circuit and district court, or as judges of the territorial court.

Officers of the treasury to settle the accounts of John J. Deming.

SEC. 8. *And be it further enacted*, That the accounting officers of the treasury shall settle and adjust the accounts of John J. Deming, making him a reasonable allowance for his services as clerk of said district and circuit court, up to the first day of June next, and that the same be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 1, 1823.

CHAP. XXXVII.—*An Act in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury.* (a)

Accounting officers of the

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in the settlement of accounts of persons remaining charged, on the books of the third auditor

(a) An act to provide for the prompt settlement of public accounts, March 3, 1817, ch. 45.  
An act providing for the better organization of the Treasury Department, May 15, 1820, ch. 107. See notes to act of May 15, 1820, ch. 107.

of the treasury, with public moneys, advanced prior to the first day of July, one thousand eight hundred and fifteen, the proper accounting officers be, and they are hereby, authorized to admit, to the credit of such persons, respectively, the amount of any expenditures made by them, which were, at the time, authorized by law, or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved to the satisfaction of the said accounting officers; and if the evidence exhibited, in lieu thereof, shall be the best the nature of the several cases will admit of, and such as will be received in courts of justice: *Provided, nevertheless,* That the credits to be allowed shall, in no case, exceed, in amount, the sums with which such persons, respectively, shall be charged on the books of the said third auditor.

treasury to admit expenditures in certain cases, and under certain restrictions.

Proviso.

SEC. 2. *And be it further enacted,* That whenever, in the settlement of the accounts before mentioned, a difference of opinion shall arise between the accounting officers, as to the extent of the credits to be allowed, under, or by virtue of, this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said secretary, to cause to be communicated to Congress, at the commencement of each session, a statement comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditure, and upon evidence other than such as had been prescribed by the laws and regulations existing before the passage of this act.

In a difference of opinion, the case shall be referred to the Secretary of War.

SEC. 3. *And be it further enacted,* That if any person shall swear or affirm falsely, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury. (a)

Any person swearing falsely, shall suffer as for wilful and corrupt perjury.

APPROVED, March 1, 1823.

STATUTE II.

CHAP. XXXVIII.—*An Act for the punishment of frauds committed on the government of the United States.*

March 3, 1823.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, if any person or per-

Persons guilty of certain frauds

(a) Indictment for false swearing under the third section of the act of Congress of March 1, 1823, which declares, that "any person who shall swear or affirm falsely, touching the expenditure of public money, or in support of any claim against the United States, shall suffer as for wilful and corrupt perjury." The indictment charged the false swearing to be an affidavit made before a justice of the peace of Kentucky in support of a claim against the United States, under the act of July 5, 1832, ch. 173, to provide for liquidating and paying certain claims of the state of Virginia. By the Supreme Court—There is no statute of the United States which expressly authorizes any justice of the peace of the state, or any officer of the national government to administer an oath in support of any claim against the United States under the act of 1823. *The United States v. Bailey*, 9 Peters, 238.

The Secretary of the Treasury, in order to carry into effect the authority given to him, to liquidate and pay the claims referred to in the act of 1832, had established a regulation authorizing affidavits made before any justice of the peace of a state, to be received and considered in proof of claims under the act. By implication, he possessed the power to make such a regulation, and to allow such affidavits in proof of claims under the act of 1832. It was incidental to his duty and authority in settling claims under the act. When the oath is taken before a state or national magistrate, authorized to administer oaths in pursuance of any regulations prescribed by the Treasury Department, or in conformity with the practice of the Treasury Department, so that the affidavit would be admissible evidence at the Department in support of any claim against the United States, and the party swears falsely, the case is within the purview of the act of 1823. *Ibid.*

If a state magistrate shall administer an oath, under an act of Congress expressly giving him the power to do so, it would be a lawful oath, before one having competent authority, and as much so as if he had been specially appointed a commissioner under a law of the United States for that purpose, and such an oath, administered under such circumstances, would be within the purview of the act of 1823. *Ibid.*

The act of 1823 does not create or punish the crime of perjury, technically considered. But it creates a new and substantial offence of false swearing, and punishes it in the same manner as perjury. The oath, therefore, need not be administered in a judicial proceeding, or in a case in which the state magistrate, under the state laws, had jurisdiction, so as to make the false swearing perjury. It would be sufficient, that it might be lawfully administered by the magistrate, and was not in violation of his official duty. *Ibid.*

on the government of the United States to be considered guilty of felony.

To be punished by imprisonment.

Persons knowingly having fraudulent papers, &c. to be fined and imprisoned.

The courts of the several states not to be deprived of jurisdiction over the offences punishable by this law.

sons shall falsely make, alter, forge, or counterfeit; or cause or procure to be falsely made, altered, forged, or counterfeited; or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person or persons, either directly or indirectly, to obtain or receive, from the United States, or any of their officers or agents, any sum or sums of money; or shall utter, or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, as aforesaid, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, every such person shall be deemed and adjudged guilty of felony; and being thereof duly convicted, shall be sentenced to be imprisoned, and kept at hard labour, for a period not less than one year, nor more than ten years; or shall be imprisoned, not exceeding five years, and fined not exceeding one thousand dollars.

SEC. 2. *And be it further enacted*, That if any person or persons shall knowingly have in his, her, or their, possession, any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling any person or persons, either directly or indirectly, to obtain or receive from the United States, or any of its officers or agents, any sum or sums of money, knowing the same to be false, altered, forged, or counterfeited, as aforesaid, with intent to defraud the United States, every such person, upon being thereof duly convicted, shall be fined and imprisoned at the discretion of the court, according to the nature and aggravation of the offence: *Provided, nevertheless*, That nothing herein contained shall be construed to deprive the courts of the several states of jurisdiction, under the laws thereof, over offences declared punishable by this law.

APPROVED, March 3, 1823.

## STATUTE II.

March 1, 1823.

Act of April 11, 1818, ch. 47.

Two years allowed to officers and soldiers of the Virginia line for obtaining warrants.

Provisions of the act of March 3, 1807, ch. 31, revived.

CHAP. XXXIX.—*An Act extending the time for locating Virginia military land warrants, and returning surveys thereon to the general land office.*

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

SEC. 2. *And be it further enacted*, That the provisions of the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution-warrants," passed the third day of March, one thousand eight hundred and seven, shall be revived, and in force, with all its restrictions, except that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act, for the location and

return of surveys on other warrants; and that the surveys shall be returned to the general land office: *Provided*, That no locations, as aforesaid, in virtue of this or the preceding section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent, which may nevertheless be obtained for land located contrary to the provisions of this act, shall be considered null and void.

Proviso.

SEC. 3. *And be it further enacted*, That no holder of any warrant which has been, or may be, located, shall be permitted to withdraw or remove the same, and locate it on any other land, except in cases of eviction, in consequence of a legal judgment first obtained, or unless it be found to interfere with a prior location and survey; nor shall any lands heretofore sold by the United States, within the boundaries of said reservation, be subject to location by the holder of any such unlocated warrant.

Holders of warrants not permitted to remove location.

APPROVED, March 1, 1823.

STATUTE II.

CHAP. XL.—*An Act granting to the state of Alabama the right of pre-emption to certain quarter sections of land.*

March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be granted to the state of Alabama, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter section of land, in, or near, the centre of each of the counties of Marengo, Perry, and Decatur, of the state aforesaid, in trust for said counties, respectively, for the establishment of seats of justice therein: *Provided*, That the proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county for which it is located, after deducting therefrom the amount originally paid for the same: *And provided further*, That the seat of justice for said counties, respectively, shall be fixed and continued on the lands so located and selected.

Alabama allowed the right of pre-emption of lands for seats of justice.

Proviso.

Proviso.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. XLI.—*An Act altering the time of holding the circuit court in the districts of Maine (a) and New Hampshire. (b)*

March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the terms of the circuit court, which are now directed by law to be holden annually in the district of Maine, at Portland, on the eighth day of May; and at Wiscasset, on the eighth day of October: and in the district of New Hampshire, at Ports-

Days of holding the terms of the circuit court of Maine and New Hampshire changed.

(a) *Circuit courts in Maine:*

An act for altering the times and places of holding the circuit courts therein mentioned, and for other purposes, Act of March 3, 1801, ch. 32, sec. 1.

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

An act establishing a circuit court within and for the district of Maine, March 30, 1820, ch. 25.

(b) *Circuit courts in New Hampshire:*

An act providing compensation for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes, March 3, 1791, ch. 22, sec. 2.

An act altering the time of holding the circuit courts in certain districts of the United States, and for other purposes, April 3, 1792, ch. 21, sec. 2.

An act to alter the times and places of holding the circuit courts in the eastern district and in North Carolina, and for other purposes, March 2, 1793, ch. 23.

An act concerning the circuit courts of the United States, March 3, 1797, ch. 27.

An act for altering the times and places of holding the circuit courts therein mentioned, and for other purposes, Act of March 3, 1801, ch. 32, sec. 1.

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

An act to alter the times of holding the circuit court in the first district, March 26, 1812, ch. 45.

mouth, on the first day of May; and at Exeter, on the first day of October, shall hereafter be holden at Portland, on the first day of May; at Wiscasset, on the first day of October; at Portsmouth, on the eighth day of May; and at Exeter, on the eighth day of October, in said districts, in each year; and when either of said days shall be Sunday, the session of said court shall commence on the day next following: and all causes, suits, actions, process, pleadings, and proceedings, of every description, existing or depending in the circuit court, in the districts aforesaid, shall be returnable to, and proceeded with, in due form of law, at the times conformable to the alterations herein provided for.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XLII.—*An Act supplementary to "An act for the better organization of the courts of the United States within the state of New York."*

Act of April 3, 1818, ch. 32.  
An appeal to be from the northern district court of New York, to the circuit court in the southern district.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from final decrees or judgments, in the district court of the northern district of the state of New York, there shall be an appeal to the circuit court in the southern district of said state, in the same manner, and upon the same terms, as from other district courts to their respective circuit courts.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XLIII.—*An Act further to prolong the continuance of the mint at Philadelphia.*

[Expired.]

Act of March 3, 1801, ch. 21, concerning the mint, revived for five years.

*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 concerning the mint," approved March the third, one thousand eight hundred and one, is hereby revived and continued in force and operation for the further term of five years, from the fourth day of March next.

Duty of commissioner of loans to be performed by the collector of Philadelphia.

SEC. 2. *And be it further enacted,* That, during the continuance of the mint at the city of Philadelphia, the duties which were enjoined on the commissioner of loans for the state of Pennsylvania, by the second section of the act, entitled "An act concerning the mint," passed on the third day of March, one thousand eight hundred and one, shall be performed by the collector of the port of Philadelphia for the time being.

Expense of materials used in refining, and other deductions, to be made from the deposit, and accounted for to treasury of the United States.

SEC. 3. *And be it further enacted,* That when any silver, brought to the mint for coinage, shall require refining, the expense of the materials used in the process shall be deducted from the amount of the deposit; and that, when silver so deposited, shall be of a quality superior to that of the legal standard of the silver coins of the United States, a deduction shall be made from the amount, equal to the expense of the copper necessary to reduce it to the said standard; and that all such deductions be regularly accounted for, by the treasurer of the mint, to the treasury of the United States.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XLIV.—*An Act for the better organization of the district court of the United States within the state of Louisiana.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, for the more conve-

(a) *District courts of Louisiana.*

An act for the admission of the state of Louisiana into the Union, and to extend the laws of the United States to the said state, April 8, 1812, ch. 50.

nient transaction of business in the courts of the United States within the state of Louisiana, the said state shall be, and the same is hereby, divided into two districts, in manner following, to wit: The counties of Attakapas, Opelousas, Rapide, Natchitoches, and Ouachita, shall compose one district, to be called the western district of Louisiana; and all the remaining part of the said state shall compose another district, to be called the eastern district of Louisiana; and all criminal actions, or civil suits, which have arisen in the western district, together with all process, writs, recognisances, and records, belonging thereto, shall be transferred to the western district; and there shall be, annually, only three stated sessions of the district court for the eastern district, to be held at New Orleans, on the third Mondays of November, February, and May; and there shall be, annually, one stated session of the said court in the western district of the state, to be held at Opelousas Courthouse, to commence on the third Monday of August; and the district judge of the United States, for the state of Louisiana, is hereby authorized and required to hold special sessions of the said court, in the said western district, for the trial of criminal or civil causes, whenever he may deem it expedient: That all process, writs, and recognisances, of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time, or times, previous to the next stated meeting of the district court: That all business depending for trial at any special court shall, at the close thereof, be considered as of course removed to the next stated term of the district court: the said judge shall appoint a clerk of the said court in the western district, who shall reside, and keep the records of the court, at the place where the sessions of the court are held, and shall receive for the services performed by him, the same fees and compensation that are allowed to the clerk of the said court of the eastern district of the state, and shall be subject, in every respect, to the same responsibilities.

SEC. 2. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate of the United States, be, and hereby is, authorized to appoint one person as marshal, and one as district attorney, for the said western judicial district of the United States within the state of Louisiana, created by this act, and that the terms of appointment and service, together with the duties and responsibilities of the said marshal and district attorney, respectively, for the district aforesaid, be, in all respects, the same within their said district as the terms of appointment and services, the duties and responsibilities, of the marshal and district attorney, respectively, of the eastern district of the state of Louisiana; and said marshal shall receive such fees and emoluments as are received by the marshal of the United States for the state of Louisiana; and said attorney an annual compensation of two hundred dollars, and the same fees and emoluments as are allowed to the attorney of the United States, for the eastern district of Louisiana.

APPROVED, March 3, 1823.

State of Louisiana divided into two districts, the western and eastern.

Three stated sessions to be held annually for the eastern district at New Orleans, and one for the western at Opelousas Courthouse.

Judge to appoint a clerk for the western district court.

President to appoint a marshal and district attorney for the western district.

An act for the better organization of the district court of the United States within the state of Louisiana, March 3, 1823, ch. 44.

An act to change the time of holding the district court of the United States for the eastern district of Louisiana, March 3, 1825, ch. 80.

An act to alter the time of holding the district court of the United States for the western district of Louisiana, May 22, 1832, ch. 92.

An act for changing the terms of the district court for the western district of Louisiana, June 30, 1834, ch. 173.

An act respecting the jurisdiction of certain district courts, Feb. 19, 1831, ch. 28.



## STATUTE II.

March 3, 1823.

CHAP. XLV.—*An Act to alter the times of holding the district court of the United States for the district of Vermont.*(a)

Time of holding the district court of Vermont altered.

*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 Vermont, shall be hereafter holden on the sixth day of October, and on the twenty-fourth day of May, in each year, instead of the tenth day of October, and twenty-seventh day of May, as is now required by law: *Provided,* That if either of the days prescribed by this act for holding said court, shall be a Sunday, then the said court shall commence and be holden on the following day.

Proviso.

Causes to be proceeded in as if no alteration had been made.

SEC. 2. *And be it further enacted,* That all proceedings of a civil or criminal nature, now pending in, or returnable to, said court, shall be proceeded in by the said court, in the same manner as if no alteration of the time for holding said court had taken place.

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

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

[Expired.]

Time of issuing and locating military land warrants to revolutionary officers and soldiers extended.

1819, ch. 41.

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

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

CHAP. XLVII.—*An Act to extend the time allowed for the redemption of land sold for direct tax in certain cases.* (b)

[Expired.]

Time for redemption of lands sold for direct tax revived and extended for two years.

*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, the ninth day of January, one thousand eight hundred and fifteen, and the fifth day of March, one thousand eight hundred and sixteen, for laying and collecting a direct tax, within the United States, so far as the same have been purchased for, or on behalf of, the United States, be revived and extended for the further term of two years, from and after the expiration 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.

APPROVED, March 3, 1823.

(a) See act of March 22, 1816, ch. 31, for notes of the acts relating to the circuit and district courts of Vermont.

(b) Act of August 2, 1813, ch. 37.

Act of January 9, 1815, ch. 21.

Act of March 5, 1816, ch. 24.

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

*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 Virginia, for the non-performance of militia duty during the late war with Great Britain, shall be, and the same is hereby, 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 collecting the same, and the cost of any suit or suits which may have been brought against said marshals or deputy marshals, in consequence of the collection of said fines, shall be paid by them, respectively, to the treasurer of 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: *Provided,* That if the provisions of this act are accepted by the state of Virginia, that state shall indemnify the United States against any charge or charges which has already accrued, or which may hereafter be made, in consequence of the assessment and collection of said fines.

APPROVED, March 3, 1823.

STATUTE II.  
March 3, 1823.

Right of the United States to militia fines in Virginia vested in that state.

Moneys that are or have been collected to be paid to treasurer of the state.

Fines to be recovered by the state as prescribed by the legislature.  
*Proviso.*

CHAP. XLIX.—*An Act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the superintendent of the public buildings be, and he hereby is directed to cause to be erected, in the burial ground of the city of Washington, a neat and appropriate monument over the tomb of Elbridge Gerry, late Vice President of the United States, who died at Washington, November twenty-third, one thousand eight hundred and fourteen, with a suitable inscription on the same, stating the name, station, age, and time of death, of the deceased.

SEC. 2. *And be it further enacted,* That a sum, not exceeding one thousand dollars, be, and the same is hereby, appropriated for the payment of the cost thereof, from any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.  
March 3, 1823.

Superintendent of the public buildings to erect a monument over the tomb of Elbridge Gerry.

Appropriation therefor.

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

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That so much of the act, entitled "An act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces," passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, as relates to the

STATUTE II.  
March 3, 1823.  
[Expired.]

Act of April 29, 1816, ch. 139.  
Act of March 3, 1823, ch. 52.  
Act of April 29, 1816, regulating currency,

to be in force for four years, as regards French crowns and five franc pieces.

crowns of France and five franc pieces, shall be, and the same hereby is, continued in force, for the further term of four years, from and after the fourth day of March next.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LI.—*An Act to authorize the Secretary of the Treasury to remit the instalments due on certain lots in Shawneetown, in the state of Illinois.*

Instalments due on certain lots in Shawneetown remitted.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the instalments due, and to become due, on lots numbered eleven hundred and thirteen and eleven hundred and fourteen, in Shawneetown, in the state of Illinois, and a patent or patents shall issue for the same, as in other cases; which said lots are used as a public square.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LII.—*An Act to establish an additional land office in the territory of Michigan. (a)*

The President to designate a place for an additional land office in the territory of Michigan.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all the public lands in the district of Detroit, lying south of the boundary line between the third and fourth townships, south of the base line, except so much thereof as lies north of the river Huron, of Lake Erie, and all the public lands in the territory of Michigan, to which the Indian title was extinguished by the treaty of Chicago, shall be formed into a new land district; and, for the sale of the public lands within the district hereby constituted, there shall be a land office established, at such place within the district as the President of the United States may designate.

President to appoint a register and receiver.

SEC. 2. *And be it further enacted,* That there shall be a register of the land office, and a receiver of public moneys, appointed by the President of the United States, for the land office hereby created, to superintend the sales of public lands within said district, who shall 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 office, 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 public lands.

Provisions of the act of March 3, 1819, made applicable to this office. 1819, ch. 92.

SEC. 3. *And be it further enacted,* That the provisions of the 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 the third, one thousand eight hundred and nineteen, be, and the same are hereby, made applicable to the district and office hereby created, so far as they are not changed by subsequent laws of the United States: *Provided,* That all such public lands, embraced within the district created by this act, which shall have been offered for sale to the highest bidder, at Detroit, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale by the register of the land office hereby created, in the same manner, and subject to the same terms, and upon like conditions, as the sales of said lands would have been subjected to in the land office at Detroit had they remained attached to that office.

Proviso.

(a) See notes to act of February 21, 1823, ch. 10.

SEC. 4. *And be it further enacted*, That this act shall take effect, and be in force from and after the first day of May next ensuing the passage thereof.

APPROVED, March 3, 1823.

Act to take effect 1st May next.

## STATUTE II.

CHAP. LIII.—*An Act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of public lands.* March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passage of this act, the following gold coins shall be received in all payments on account of public lands, at the several and respective rates following, and not otherwise, viz: the gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains, or eighty-eight cents and eight-ninths per pennyweight: the gold coins of France, of their present standard, at the rate of one hundred cents for every twenty-seven and a half grains, or eighty-seven and a quarter cents per pennyweight: and the gold coins of Spain of their present standard, at the rate of one hundred cents for every twenty-eight and a half grains, or eighty-four cents per pennyweight.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause assays of the foregoing coins to be made at the mint of the United States, at least once in every year; and to make report of the result thereof to Congress.

APPROVED, March 3, 1823.

Act of March 3, 1823, ch. 50. Gold coins of Great Britain, Portugal, France, and Spain, to be received in payment on account of lands.

Secretary of the Treasury to cause assays to be made annually at the mint.

## STATUTE II.

CHAP. LIV.—*An Act for clearing, repairing, and improving, certain roads for the purpose of facilitating the transportation of the United States' Mail.* March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he hereby is, authorized to cause to be cleared, repaired, and improved, the United States' mail road, from Nashville in the state of Tennessee, to New Orleans, in the state of Louisiana: *Provided*, He shall not expend more than seven thousand nine hundred and twenty dollars, in clearing, repairing, and improving, the same, and that the said sum shall be expended on that part of the road which may lie within [the] territory occupied by the Indians, and to which their title has not yet been extinguished.

APPROVED, March 3, 1823.

President to cause certain mail-roads to be cleared, repaired, and improved.

Proviso.

## STATUTE II.

CHAP. LV.—*An Act respecting stamps.*

March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, whenever any person or persons shall pay to the Secretary of the Treasury, the duty chargeable by the act, entitled "An act to establish a general stamp office," passed on the twenty-third day of April, in the year one thousand eight hundred, on any deed, instrument, or writing, on which the said stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain a certificate thereof, from the Secretary of the Treasury, such deed, instrument, or writing, shall be, to all intents and purposes, as valid and available, as if the same had been, or

[Expired.] April 23, 1800, ch. 31.

Deeds, &c. not stamped by act of April 23, 1800, on payment of the duty and ten dollars, rendered valid as if stamped.

were, stamped, counter stamped, or marked, as by said law required; any thing in any act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That this act shall be, and continue, in force for the term of one year from the passage thereof, and no longer.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

Secretary of the Treasury empowered to contract for building lighthouses, &c. on certain sites and shoals.

Proviso.

Appropriations.

1822, ch. 119.

CHAP. LVI.—*An Act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary of the Treasury be, and he hereby is, empowered to provide by contract, for building lighthouses, and light vessels, erecting beacons, and placing buoys, on the following sites or shoals, to wit: A lighthouse on Baker's Island, near Mount Desert, in the state of Maine; one on Monamoy Point, in the state of Massachusetts; a lighthouse on Goat Island, in the state of Rhode Island; a light vessel, not to be under two hundred and fifty tons, on Cape Hatteras, in North Carolina; a lighthouse on Cape Romain, in the state of South Carolina; a lighthouse at or near the entrance of the harbour of Pensacola, for that part of the territory known as West Florida; a light-house near Fort Gratiot, in Michigan territory; a beacon on Hadrell's Point, in the state of South Carolina; two light vessels to be placed in the Bay of Delaware, the one at or near the Brandywine Shoal, and the other at or near the shoal called the Upper Middle; and also, to agree for the salaries, wages, or hire, of the persons to be appointed by the President of the United States, for the superintendence of the same: *Provided*, That no moneys shall be expended in erecting such lighthouses, until the jurisdiction to such portions of land as the President of the United States shall select as the sites of the same, respectively, shall be ceded to, and the property thereof vested in, the United States.

SEC. 2. *And be it further enacted*, That there be appropriated out of any money in the treasury not otherwise appropriated, the following sums of money, to wit: For building the lighthouse on Baker's Island, two thousand five hundred dollars; for one on Monamoy Point, three thousand dollars; for one on Goat island, two thousand five hundred dollars; for an additional sum to complete the light vessel authorized to be built, by an act, entitled "An act to authorize the building lighthouses therein mentioned, and for other purposes," passed the seventh day of May, one thousand eight hundred and twenty-two, for the state of New York, five thousand dollars; for an additional sum to complete the lighthouse on Oldfield Point, in the same state, one thousand five hundred dollars; for an additional sum to complete a tower for the light on Fort Niagara, in the same state, one thousand five hundred dollars; for placing a lantern at Fort Delaware, in the river Delaware, one thousand five hundred dollars; for completing the lighthouse on Cape May, in the state of New Jersey, a sum not exceeding five thousand seven hundred and fifty dollars; for placing a light vessel at or near Cape Hatteras shoals, a sum not exceeding twenty-five thousand dollars; for building a lighthouse on Cape Romain, ten thousand dollars; for erecting a beacon on Hadrell's Point, one thousand five hundred dollars; for finishing the lighthouse near St. Augustine, in the territory of East Florida, the sum of five thousand dollars; for building a lighthouse at or near Pensacola, a sum not exceeding six thousand dollars; for building a lighthouse at Fort Gratiot, three thousand five hundred dollars, and for building and placing two light vessels in Delaware Bay, twenty thousand dollars.

SEC. 3. *And be it further enacted*, That the President of the United

States be, and he is hereby, authorized to cause such an examination and survey to be made of the obstruction between the harbour of Gloucester and the harbour of Squam, in the state of Massachusetts, as may be requisite to ascertain the expediency of removing such obstruction; and the President is hereby authorized to cause such obstruction to be removed, by contract or otherwise, under the direction of the collector of the district of Gloucester, if, from the report of persons he may appoint to examine and survey the same, he shall deem it expedient; and a sum, not exceeding six thousand dollars, is hereby appropriated for that purpose, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That the sum of one hundred and fifty dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated, to enable the President of the United States, to cause the entrance of the harbour of the Port of Presque Isle, in Pennsylvania, to be examined and surveyed by one of the Topographical Engineers of the United States, whose duty it shall be to make a probable estimate of the expense of removing the obstructions, and report on the best manner of removing them, and the effect of such removal on the channel in future.

APPROVED, March 3, 1823.

President to cause an examination and survey to be made of the obstruction between the harbour of Gloucester, and that of Squam, in Mass.  
Appropriation.

Appropriation for examination and survey of Port Presque Isle.

CHAP. LVII.—*An Act further to extend the provisions of the act, entitled "An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the first July, one thousand eight hundred and twenty,'"*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all persons who shall produce satisfactory evidence to the register and receiver of the proper land office, that they were actually entitled to, and would have availed themselves of, the provisions of the act, entitled "An act supplementary to the act, entitled 'An act for the relief of the purchasers of the public lands prior to the first day of July, one thousand eight hundred and twenty,'" approved April twentieth, one thousand eight hundred and twenty-two, and their failure to do so was owing to such cause or circumstance as he [they] could not control or prevent, shall be allowed until the thirtieth day of September next, to avail themselves of all the privileges, advantages and provisions, of the said act, in the same manner they could have done prior to the thirtieth day of September last.

APPROVED, March 3, 1823.

STATUTE II.  
March 3, 1823.  
[Expired.]

The act of April 20, 1822, ch. 30, for the relief of the purchasers of public lands, extended to 30th Sept. next.

CHAP. LVIII.—*An Act to amend an act, entitled "And [An] act further to regulate the entry of merchandise imported into the United States from any adjacent territory."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the passage of this act, every master or other person having charge of a vessel, boat, canoe, or raft, or the conductor or driver of any carriage, or sleigh, or other person bringing merchandise, from any foreign territory adjacent to the United States, who shall neglect or refuse to deliver a manifest, as is required in and by the act, entitled "An act further to regulate the entry of merchandise imported into the United States from any adjacent territory," passed the second day of March, one thousand eight hundred and twenty-one, shall be subject to pay, instead of the penalty of four hundred dollars imposed by the first section of said act, four times the value of the merchandise so imported.

SEC. 2. *And be it further enacted,* That if any person or persons

STATUTE II.  
March 3, 1823.

Penalty of the act of March 2, 1821, ch. 14, for regulating the entry of merchandise from any foreign territory, altered.

Persons receiving, &c. goods illegally imported and liable to seizure, to forfeit double the amount.

Persons forcibly resisting, &c. an officer of the customs, to be fined.

Provisions of the 46th section of the act of March 2, 1799, ch. 22, sec. 46, extended.

Penalties to be sued for, &c. Act of March 2, 1799, ch. 22, sec. 89.

shall receive, conceal, or buy, any goods, wares, or merchandise, knowing them to have been illegally imported into the United States, and liable to seizure by virtue of any act in relation to the revenue, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, or merchandise, so received, concealed, or purchased.

SEC. 3. *And be it further enacted*, That if any person shall forcibly resist, prevent, or impede, any officer of the customs or their deputies, or any person assisting them in the execution of their duty, such person, so offending, shall, for every such offence, be fined a sum not exceeding four hundred dollars.

SEC. 4. *And be it further enacted*, That the provisions of the forty-sixth section of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, Anno Domini one thousand seven hundred and ninety-nine, be, and they are hereby, extended to the case of goods, wares, and merchandise, imported into the United States from an adjacent territory.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, Anno Domini one thousand seven hundred and ninety-nine.

APPROVED, March 3, 1823.

#### STATUTE II.

March 1, 1823.

CHAP. LIX.—*An Act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war.*

Act of March 11, 1818, ch. 19. Secretary of War authorized to restore to the list such pensioners as have or shall be struck off by the act of May 1, 1820, ch. 53, upon certain conditions.

A judge may attend at the dwelling of such person as shall be unable to attend in court to make his schedule.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and required to restore to the list of pensioners the name of any person who may have been, or hereafter shall be stricken therefrom, in pursuance of the act of Congress, passed the first day of May, one thousand eight hundred and twenty, entitled "An act in addition to an act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war,'" passed the eighteenth day of March, one thousand eight hundred and eighteen, if such person, so stricken from the list of pensioners, has heretofore furnished, or hereafter shall furnish, evidence, in pursuance of the provisions of said act, to satisfy the Secretary of War that he is in such indigent circumstances as to be unable to support himself without the assistance of his country, and that he has not disposed of or transferred his property, or any portion thereof, with a view to obtain a pension.

SEC. 2. *And be it further enacted*, That, when any person, coming within the provisions of the acts to which this is supplementary, shall, by reason of bodily infirmity, be unable to attend in court to make his schedule, and furnish the evidence by said acts required, it shall be lawful for any judge or justice of a court of record in the district, city, county, or borough, in which such person resides, to attend at his place of abode and receive his schedule, and oath or affirmation, and said judge or justice shall certify that said applicant was, from bodily infirmity, unable to attend such court; which schedule, and oath or affirmation, and certificate, shall, by said judge or justice, be produced in the court of which he is judge; and the opinion of said court, of the value of the property contained in said schedule, shall be entered thereon, and certified by the clerk of said court; and such schedule shall be valid for all the purposes contemplated by the acts aforesaid.

SEC. 3. *And be it further enacted*, That no pension hereafter to be allowed on claims or schedules heretofore filed under the act or acts to which this act is a supplement, or under the provisions of this act, shall commence before the passage thereof; and all other pensions hereafter to be allowed under the acts aforesaid, shall commence from the time of completing the proof.

APPROVED, March 1, 1823.

No pension to commence previous to the passing of this act, &c.

STATUTE II.

March 3, 1823.

CHAP. LX.—*An Act supplementary to 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."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all the lands ceded and relinquished to the United States, by the Wea tribe of Indians, under the first article of the treaty held at Vincennes, on the eleventh [eleventh] day of August, eighteen hundred and twenty, and which is specified and designated by the second article of the treaty between the United States and the said tribe, concluded at St. Mary's, on the second day of October, eighteen hundred and eighteen, be, and the same is hereby, attached to the Terre Haute district for the sale of public lands in the state of Indiana.

1819, ch. 92.  
Lands ceded by the Wea Indians to be attached to the Terre Haute district.

SEC. 2. *And be it further enacted*, That all the public lands specified, designated, and embraced, within the first and second article of the treaties aforesaid, 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 in the Terre Haute 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, 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.

Lands to be sold at the land office of the Terre Haute district, on such day or days as shall be designated by the President.

Act of April 24, 1820, ch. 51.

SEC. 3. *And be it further enacted*, That the register of the land office and the receiver of public moneys shall, each, receive five dollars for each day's attendance in superintending the public sales of the land before described, according to the President's proclamation.

Register and receiver to receive five dollars a day each.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXI.—*An Act making appropriations for certain fortifications of the United States for the year one thousand eight hundred and twenty-three, and for other purposes.*

[Obsolete.]

*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:

Specific appropriations for fortifications.

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

For Fort Delaware, fifty-eight thousand dollars:

For Fort Washington, forty-six thousand dollars:

For Fort Monroe, one hundred thousand dollars:

For Fort Calhoun, eighty thousand dollars:

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



Appropriations. For the Rigolets, and Chief [Chef] Menteur, one hundred thousand dollars:

For collecting materials for, and progressing with, a fort on the right bank of the Mississippi, opposite Fort St. Philip, forty thousand dollars:

For repairing Fort Jackson, in the harbour of Savannah, eight thousand dollars:

For contingencies and repairs of fortifications, twenty-six thousand dollars:

For the purchase of small arms for arming the whole body of the militia, in addition to the annual appropriation of the year one thousand eight hundred and twenty-three for arming the militia, twenty thousand dollars:

For completing the barracks and other public buildings, at Baton Rouge, twenty-nine thousand one hundred seventy-eight dollars seventy-seven cents.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Obsolete.]  
Specific appropriations for the public buildings.

CHAP. LXII.—*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 the following sums of money be, and the same are hereby, appropriated, to wit:

For improving the grounds around the Capitol, one thousand dollars:

For making the necessary alteration in the Representatives' Hall, for the accommodation of the eighteenth Congress, the sum of one thousand two hundred dollars:

For finishing the south portico to the President's house, the sum of nineteen thousand dollars.

For an allegorical ornament for a clock for the use of the Senate, two thousand dollars.

To be paid from the treasury.

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

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

Postmaster General to pay certain balances.

Act of May 15, 1820, ch. 133.

To pay for repairs from the contingent fund.

CHAP. LXIII.—*An Act to authorize the Postmaster General to pay for certain repairs to the general post-office, and keep the engine house, the fire engine, and apparatus, in repair.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Postmaster General be authorized to pay, out of the moneys arising from the postages of letters and packets, the sum of two hundred and fifty dollars and fifty-two cents, being a balance due for repairs to the general post-office, and for procuring a fire engine, under the provisions of the act of the seventeenth [fifteenth] of May, eighteen hundred and twenty.

SEC. 2. *And be it further enacted,* That the Postmaster General shall be authorized, out of the contingent fund of said department, to defray such expenses as may be necessary for keeping in repair the engine-house, the fire engine, and hose apparatus, belonging to said department.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Obsolete.]

Officers of the treasury to set-

CHAP. LXIV.—*An Act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the surveyor of public lands in the states of Illinois and Missouri, and territory of Arkansas, for extra clerk hire in his office.*

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

officers of the treasury shall be, and are hereby, authorized and required to audit and settle the accounts of the surveyor of public lands in the states of Illinois and Missouri, and territory of Arkansas, for extra clerk hire in his office, for surveying executed before the first day of January, one thousand eight hundred and twenty-three, and for which provision was not made by an allowance of mileage on the surveys of the public lands, under the act of the Congress of the United States, of the third day of April, one thousand eight hundred and eighteen, and make him an allowance therefor, not exceeding the rate of clerk hire now allowed by law in the offices of the other surveyors general, proportioned to the quantity of work done in each; and the amount, so allowed, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

the accounts of the surveyor of Illinois, Missouri, and Arkansas, for extra clerk hire.

Act of April 3, 1818, ch. 26.

STATUTE II.

March 3, 1823.

CHAP. LXV.—*An Act providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to cause to be purchased, and completely finished, in the City Hall, now building in the city of Washington, permanent and suitable apartments for holding the sessions of the circuit court of the United States, for the county of Washington, in the District of Columbia, for the use of the grand and petit juries of the said county, for the offices of the clerk of the said court and the marshal of the said district, and for the preservation and security of the books, papers, and records, of the said court, provided that the said purchase can be made upon reasonable terms, and not exceeding the sum hereinafter appropriated. And for effecting the object of this act, the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury, not otherwise appropriated.

Circuit court of Washington county in the District of Columbia, to be accommodated with apartments in the City Hall.

Appropriation.

SEC. 2. *And be it further enacted,* That the appropriation hereinbefore made shall be expended under the superintendence of the commissioner of the public buildings, in such manner as shall be directed by the President of the United States.

To be expended under the superintendence of the commissioner of public buildings.

SEC. 3. *And be it further enacted,* That, so soon as the said apartments shall have been provided, the said circuit court, and the said clerk's and marshal's offices, with all the books, papers, and records, thereunto belonging, shall be removed thereto; and no allowance of money for the rent of apartments for the use of the said court and offices shall thenceforth, or thereafter, be made out of the treasury of the United States.

When apartments are finished, court to be removed, and no allowance admitted afterwards for rent.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

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

*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 west of the range line dividing the twenty-third and twenty-fourth tiers of townships west of the fifth principal meridian, in the present Howard land district, in the state of Missouri, shall form a land district for the disposal of the said lands, to be called the western district; and a land office shall be established at Lexington, in the county of Lillard, for the disposal thereof.

A new land district to be formed, to be called the western district, for which a land office is to be established.

SEC. 2. *And be it further enacted,* That there shall be a register and

A register and

receiver to be appointed.

receiver appointed to the said office, to superintend the sales of the public lands in the said district, who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands to 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.

From 1st April next there shall be a new township line between the townships No. 37 and 38.

SEC. 3. *And be it further enacted*, That, from and after the first day of April next, the division line between the St. Louis and the Jackson land districts, in the state of Missouri, shall be the township line between the townships number thirty-seven and thirty-eight; any thing in the former acts, creating land districts in the state of Missouri, to the contrary notwithstanding.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXVII.—*An Act to authorize the purchase of a number of copies of the sixth volume of the laws of the United States.*

The Secretary of State authorized to subscribe for 550 copies of the 6th volume of the laws of the United States.  
Distribution.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary for the Department of State be, and he is hereby, authorized and directed to subscribe for, and receive, for the use and disposal of Congress, five hundred and fifty copies of the sixth volume of the laws of the United States, published by Davis and Force, of the city of Washington, and cause to be distributed one copy thereof to the President of the United States, one copy to the Vice President of the United States, one copy to each of the heads of departments, to the attorney general of the United States, to each of the senators and representatives, and to each delegate of territories of the seventeenth Congress; fifteen copies to the secretary of the Senate, for the use of the Senate, and thirty copies to the clerk of the House of Representatives, for the use of that House; one copy to each branch of the legislature of each state and territory, and one copy to each of the executives of the several states and territories; and cause the residue to be deposited in the library of Congress.

Appropriation.

SEC. 2. *And be it further enacted*, That, for the purpose aforesaid, the sum of two thousand two hundred dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXVIII.—*An Act to confirm certain claims to lots [lots] in the village of Peoria, in the state of Illinois.*

Certain claims to lots in the village of Peoria confirmed.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there is hereby granted, to each of the French and Canadian inhabitants and other settlers in the village of Peoria, in the state of Illinois, whose claims are contained in a report made by the register of the land office at Edwardsville, in pursuance of the act of Congress, approved May the fifteenth, one thousand eight hundred and twenty, and who had settled a lot in the village aforesaid, prior to the first day of January, one thousand eight hundred and thirteen, and who have not heretofore received a confirmation of claims, or donation of any tract of land or village lot from the United States, the lot so settled upon and improved, where the same shall not exceed two acres, and where the same shall exceed two acres, every such

Act of May 15, 1820, ch. 117.

claimant shall be confirmed in a quantity not exceeding ten acres: *Provided*, Nothing in this act contained shall be so construed as to affect the right, if any such there be, of any other person or persons to the said lots, or any part of them derived from the United States, or any other source whatever, or as a pledge on the part of the United [States,] to make good any deficiency occasioned by any other interfering claim or claims.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be the duty of the surveyor of the public lands of the United States for that district, to cause a survey to be made of the several lots, and to designate on a plat thereof the lot confirmed and set apart to each claimant, and forward the same to the Secretary of the Treasury, who shall cause patents to be issued in favour of such claimants, as in other cases.

The several lots to be surveyed.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. LXIX.—*An Act concerning the lands to be granted to the state of Missouri, for the purposes of education, and other public uses.*

March 3, 1823.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in all cases in which section number sixteen, in any township within the state of Missouri, has been sold, or otherwise disposed of, it shall be the duty of the register and receiver of the respective land office in whose district such land may lie, so soon after the passage of this act as may be, to select the like quantity of other lands equivalent thereto, from any of the unappropriated lands of the United States in that state, including the residue of such section, where only a part of it has been disposed of, and the value of the residue is not materially diminished by such disposition, and is nearly contiguous to such sixteenth section as may be; and a descriptive entry of such selected lands shall be made on the books of the register, specifying as well the township in which, as that for the use of which, the selection shall have been made; and the lands thus selected and located, are hereby granted to the said state for the use of the inhabitants of the respective townships, for the use of schools, instead of such sixteenth sections so sold or otherwise disposed of.

Certain lands to be granted to the state of Missouri for schools.

SEC. 2. *And be it further enacted*, That, in all cases in which the general assembly of the state of Missouri has selected, or shall hereafter select, a salt spring, for the use of the state, according to the provisions of an act of Congress of the sixth of March, one thousand eight hundred and twenty, and the six sections of unappropriated lands cannot be found adjoining to such spring, agreeably to the provisions of said act, the deficiency shall be supplied by the selection of other sections equivalent thereto, and not farther distant than six miles therefrom, of unappropriated lands of the United States in that state, and as nearly adjoining to such spring as may be, shall be subject to the selection of the legislature of the state for the use thereof; and such sections, when so selected and located, are hereby granted according to the provisions of said act: and authenticated copies of the selections made by the register and receiver, under the provisions of this act, shall be furnished the state, and returns transmitted to the Secretary of the Treasury, of the selections now made, and of those to be made, immediately after such selections shall have been made, either by the register and receiver, or by the legislature of the State.

Certain lands granted to salt springs.

Act of March 6, 1820, ch. 22.

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

March 1,  
1817, ch. 29.  
Provisions of  
the act of  
March 1, 1817,  
respecting the  
ransom of  
American cap-  
tives, extended.

Proviso.

Proviso.

Accounting  
officer author-  
ized to adjust and  
settle accounts  
for clothing fur-  
nished.

Proviso.

Sums to be  
paid out of the  
Treasury.

CHAP. LXX.—*An Act supplementary to "An act relating to the ransom of American captives of the late war."*

*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 relating to the ransom of American captives of the late war," passed the first day of March, one thousand eight hundred and seventeen, be so construed as to embrace within its provisions all officers, soldiers, and persons, attached to, and followers of, the army of the United States, who were captured and made prisoners by the enemy, and who were ransomed during the late war with Great Britain; and that the proper accounting officer of the War Department be, and he is hereby, authorized and required to adjust and settle the accounts of any person, his assigns or his legal representatives, who may have purchased and ransomed from captivity any citizen, officer, soldier, or other person aforesaid, upon equitable principles: *Provided,* The evidence produced in support of such accounts shall be the best in the power of the claimant, and sufficient to satisfy the accounting officer of the justice of the claim; *Provided also,* That in no case shall a greater sum than one hundred and fifty dollars be allowed for the ransom of any one person.

SEC. 2. *And be it further enacted,* That it shall be the duty of such accounting officer, and he is hereby authorized and required, to adjust and settle the accounts of any person, his assigns, or his legal representatives, who shall have furnished proper and necessary articles of clothing to, and for the use of, any citizen, officer, soldier, or other person, purchased and ransomed from captivity during the late war with Great Britain, aforesaid: *Provided,* It shall be satisfactorily proved, and made to appear, to such accounting officer, that the apparel and clothing so furnished were necessary, at the time, to the safety, support, and comfort, of the person ransomed; and that the articles charged were applied to the clothing of such prisoners, and to no other purpose whatever.

SEC. 3. *And be it further enacted,* That all sums of money to be audited and allowed under this act, and the act to which this is an amendment, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1823.

## STATUTE II.

March 3, 1823.

President au-  
thorized to em-  
ploy an engi-  
neer to examine  
a site for a na-  
tional armory  
on the western  
waters.

Appropriation.

CHAP. LXXI.—*An Act to establish a national armory on the western waters.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby authorized to employ a skilful engineer or officer of the ordnance department, with such other person or persons as he may judge proper, to examine the most suitable site for a national armory on the western waters; and that the said engineer, and such other person or persons be requested to report the result of their examinations to Congress at the commencement of its next session, particularly designating the sites by them examined, with the comparative advantages of each, and an estimate showing the amount necessary for purchasing each, and erecting all necessary buildings thereon.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, to effect the object of this act.

APPROVED, March 3, 1823.

CHAP. LXXII.—*An Act respecting the punishment of piracy.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, the district courts of the United States, in districts where no circuit courts are holden, shall have cognisance of all cases arising under an act of Congress, approved May fifteenth, one thousand eight hundred and twenty, entitled "An act to continue in force an act to protect the commerce of the United States, and punish the crime of piracy; and, also, to make further provisions for punishing the crime of piracy," and shall have the same power and jurisdiction therein, as the circuit courts of the United States, under the same act.*

APPROVED, March 3, 1823.

STATUTE II.  
March 3, 1823.

May 15, 1820.  
ch. 113.

District courts to take cognisance of piracy.

## RESOLUTIONS.

I. RESOLUTION *requiring from the secretary of the Senate and clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses.*

March 1, 1823.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the secretary of the Senate and the clerk of the House of Representatives be, and they are hereby, required to lay before the two Houses, respectively, at the commencement of each session of Congress, a table or statement showing the names and compensation of the clerks employed in their respective offices, and the names and compensation of the messengers of the respective Houses; together with the detailed statement of the items of expenditure of the contingent fund of the respective Houses for the next immediately preceding year; in which statement the disbursements shall be arranged under the following heads, to wit: first, printing; second stationery, and distinguishing under this head the articles furnished for the use of the members, from those furnished for the offices of the secretary and clerk, and specifying the number of reams of each kind of paper; third, book-binding; fourth, fuel; fifth, newspapers, specifying under this head the amount of orders given at the preceding session, as well as the payments made; sixth, the post-offices; seventh, the repairs and preservation of the furniture; eighth, services of messengers and horses; ninth, miscellaneous items not included under the preceding heads. Which statements shall exhibit, also, the several sums drawn by the said secretary and clerk, respectively, from the treasury, and the balances, if any, remaining in their hands.*

Secretary of the Senate and clerk of the House of Representatives required to furnish a detailed statement of their expenditures under different heads.

APPROVED, March 1, 1823.

II. RESOLUTION *to direct the withholding of the compensation of certain prize agents.*

March 3, 1823.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of July, next ensuing, no prize agent who has not accounted for the prize moneys with which he has heretofore been intrusted for the benefit of the officers and crews of any public armed vessel or vessels of the United States, shall receive from the treasury of the United States any salary or compensation to which he may be entitled, until he shall have accounted for, or repaid into the treasury, all sums so intrusted to him for disbursement.*

Compensation to be withheld from certain prize agents.

APPROVED, March 3, 1823.

