

THE  
LAWS OF THE UNITED STATES.

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ACTS OF THE EIGHTEENTH CONGRESS

OF THE

UNITED STATES,

*Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday the first day of December, 1823, and ended on the twenty-sixth day of May, 1824.*

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; HENRY CLAY, Speaker of the House of Representatives.

STATUTE I.

CHAP. II.—*An Act authorizing the Secretary of the Treasury to furnish, for the use of the territory of Arkansas, an abstract of the military bounty lands, lying within the same.*

Jan. 1, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Secretary of the Treasury, to cause a complete abstract to be made out and transmitted, for the use of the territory of Arkansas, to the governor of said territory, of all the military bounty lands, which have been patented to the soldiers of the late army, or to their legal representatives, lying within the same, designating the tract, the name of the patentee, and the time when issued.*

An abstract to be made out of military bounty lands for the territory of Arkansas.

APPROVED, January 1, 1824.

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STATUTE I.

CHAP. III.—*An Act supplementary to the act, entitled "An act for the relief of persons imprisoned for debt."*

Jan. 7, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, may be, in all cases, administered to the person entitled to take the same, either by any judge of the Supreme Court of the United States, or by the district judge for the district within which such person may be, or by any person or persons commissioned by any judge of the Supreme Court, or the said district judge, for that purpose.*

Act of June 6, 1798, ch. 49.  
Act of Jan. 6, 1800, ch. 4.

Act of April 22, 1824, ch. 39.

The oath prescribed by the act of Jan. 6, 1800, to be administered by, &c.

APPROVED, January 7, 1824.

VOL. IV.—I

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I

STATUTE I.  
Jan. 7, 1824.

The several acts imposing discriminating duties of tonnage on foreign vessels, to be suspended as respects the kingdom of the Netherlands, &c.

Discriminating duties of impost on foreign vessels to be suspended, as respects the produce, &c., of the territories in Europe, of any of the mentioned nations.

This suspension to continue so long as the vessels of the United States and their cargoes shall be exempt from like discriminating duties in their ports.

CHAP. IV.—*An Act concerning discriminating duties of tonnage and impost.* (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 first day of January, one thousand eight hundred and twenty-four, during the continuance of this act, and under the limitations hereinafter mentioned, so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby suspended, so far as respects vessels truly and wholly belonging to subjects or citizens of the Kingdom of the Netherlands; of Prussia; of the Imperial Hanseatic cities of Hamburg, Lubeck, and Bremen; of the Dukedom of Oldenburg; of the Kingdom of Norway; of the Kingdom of Sardinia, and of the Empire of Russia.

SEC. 2. *And be it further enacted,* That so much of the several acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty between goods imported into the United States in foreign vessels, and in vessels of the United States, be, and the same is hereby, suspended, so far as the same respects the produce or manufactures of the territories in Europe, of any of the above-mentioned nations, or such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the said territories in Europe, of either of them, respectively, the same being imported in vessels truly and wholly belonging to the subjects or citizens of each of the said nations, respectively, the vessels of each nation importing its own produce and manufactures as aforesaid.

SEC. 3. *And be it further enacted,* That the suspension of the discriminating duties of tonnage and impost, in the two preceding sections of this act prescribed, shall continue, in behalf of each of the above-mentioned nations, on condition that, and so long as, the vessels of the United States, and truly wholly belonging to the citizens thereof, and all goods and merchandise, of the produce or manufacture of the United States, laden therein, and imported into any of the ports of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect, whatsoever,

(a) The acts relating to discriminating duties have been:

An act imposing duties on the tonnage of ships and vessels, July 20, 1790, ch. 30, sec. 3.

Act of July 1, 1812, ch. 112, sec. 3.

An act to regulate the duties on imports and tonnage, April 27, 1816, ch. 107, sec. 3.

Act of Jan. 14, 1817, ch. 3. Act of March 3, 1817, ch. 50.

An act concerning discriminating duties on tonnage and impost, Jan. 7, 1824, ch. 4.

An act to amend the several acts imposing duties on imports, May 22, 1824, ch. 136, sec. 2.

An act concerning tonnage and discriminating duties in certain cases, (obsolete,) April 20, 1818, ch. 110.

An act in addition to "An act concerning tonnage and discriminating duties in certain cases," (obsolete,) March 3, 1819, ch. 75.

An act to exempt Swedish and Norwegian vessels, and the merchandise imported therein from the payment of discriminating duties of tonnage and impost, for a limited time, and for other purposes, Feb. 22, 1827, ch. 21.

An act to equalize the duties on vessels of the Republic of Colombia, and their cargoes, April 20, 1826, ch. 26.

An act to refund certain duties paid upon vessels belonging to citizens of Hamburg, and their cargoes, March 2, 1827, ch. 45.

An act respecting discriminating duties upon Dutch and Belgian vessels and their cargoes, March 2, 1837, ch. 19.

An act in addition to an act entitled "An act concerning discriminating duties of tonnage and impost," and to equalize the duties on Prussian vessels and their cargoes, May 24, 1828, ch. 111.

An act to suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines, July 4, 1836, ch. 359.

An act giving effect to a commercial arrangement between the United States and the Republic of Colombia, May 19, 1832, ch. 79.

An act concerning tonnage duty on Spanish vessels, July 13, 1832, ch. 207.

An act relating to duties and drawbacks, Sept. 11, 1841, ch. 24, sec. 4.

An act to provide revenue from imposts, and to change and modify existing laws imposing duties on imports, and for other purposes, Aug. 30, 1842, ch. 270, sec. 11.

For proclamations as to discriminating duties, issued under various acts, see Vol. 3, Appendix I. and post Appendix III.

other or higher than is levied upon the vessels and merchandise therein imported, belonging to the subjects or citizens of each of the said nations, respectively. But if, in any of the territories in Europe, of either of the said nations, any such discriminating duty shall, at any time, be imposed or levied on vessels wholly belonging to citizens of the United States, or on the merchandise imported as aforesaid in them, then, and from that time, the said suspension herein prescribed shall cease, and determine, so far as respects the vessels, and merchandise imported into the United States in them, of such nations: and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States, shall revive and be in full force, with regard to the said nation.

SEC. 4. *And be it further enacted*, That, upon satisfactory evidence being given to the President of the United States, by the government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same: the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise as aforesaid, thereon laden, shall be continued, and no longer.

APPROVED, January 7, 1824.

The President to issue a proclamation of reciprocal exemption, on evidence of any foreign nation abolishing discriminating duties on vessels and goods of the United States.

CHAP. IX.—*An Act making a partial appropriation for the year one thousand eight hundred and twenty-four.*

*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 is hereby, appropriated, for the compensation granted by law to the Senate and House of Representatives, and to the officers, clerks, and servants of both Houses of Congress, and for defraying the contingent expenses thereof; and that the same be paid out of any moneys in the treasury, not otherwise appropriated.

APPROVED, January 19, 1824.

STATUTE I.

Jan. 19, 1824.

[Obsolete.]

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

CHAP. XI.—*An Act for the relief of certain distillers within the county of Berks, in the state of Pennsylvania.*

*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 required to refund, out of any money in the Treasury, not otherwise appropriated, to the distillers of spirituous liquors within the county of Berks, in the state of Pennsylvania, who at any time since the first day of January, one thousand eight hundred and fourteen, have used stills made according to Henry Whitmer's improvement upon Anderson's condensing tub, and who have paid a duty upon the capacity of the globes of such stills, all such sums of money as they may have paid, respectively, as a duty on the capacity of the globes of their said stills.

APPROVED, January 19, 1824.

STATUTE I.

Jan. 19, 1824.

[Obsolete.]

Secretary of the Treasury to refund to certain distillers, such duties as may have been paid by them, respectively, on certain stills.

## STATUTE I.

Jan. 22, 1824.

[Expired.]

Act of March 4, 1814, ch. 20. The term of half pay pensions, to the widows, &c. of officers, &c. who died in the public service, extended.

Act of March 3, 1817, ch. 60, repealed.

Proviso.

CHAP. XV.—*An Act further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided by law; and the said pensions shall cease, for the causes mentioned in the laws providing the same respectively.

SEC. 2. *And be it further enacted,* That from and after the passing of this act, the act, entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed March the third, one thousand eight hundred and seventeen, be, and the same is hereby, repealed: *Provided, however,* That nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof: nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed, as aforesaid.

APPROVED, January 22, 1824.

## STATUTE I.

Jan. 22, 1824.

[Obsolete.]

Commissioners of sinking fund to purchase, during the year 1824, seven per cent. stock, to an amount not exceeding 8,610,000 dollars.

CHAP. XVI.—*An Act authorizing the commissioners of the sinking fund to purchase the seven per cent. stock of the United States, in the year one thousand eight hundred and twenty-four.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the commissioners of the sinking fund be, and they are hereby, authorized to purchase, during the year one thousand eight hundred and twenty-four, any stock of the United States, bearing an interest of seven per centum per annum, not exceeding the sum of eight millions six hundred and ten thousand dollars, upon such terms as they may think proper, not exceeding the following rates above the principal sum purchased, that is to say:

For all such stock as they may purchase before the first day of April next, at a rate not exceeding two dollars for every sum of one hundred dollars, in addition to the interest which would have accrued on that day upon the said stock:

For all such stock which they may purchase between the first day of April and the first day of July next, at a rate not exceeding seventy-five cents on every sum of one hundred dollars, in addition to the interest which would have accrued on the day last mentioned:

For all such stock which they may purchase between the first day of July and the first day of October next, at a rate not exceeding, on every sum of one hundred dollars, the amount of interest which would have accrued on the day last mentioned: and

For all such stock which they may purchase between the first day of October next, and the first day of January, one thousand eight hundred and twenty-five, at a rate not exceeding the principal and the interest which shall have accrued at the day of purchase.

SEC. 2. *And be it further enacted,* That the said commissioners are hereby authorized to make such purchases, under the foregoing restric-

The commissioners author-

tions, at such times and places as they may deem most expedient, out of any moneys in the treasury, heretofore appropriated for the redemption of the public debt, or out of any money in the treasury not otherwise appropriated.

APPROVED, January 22, 1824.

ized to make such purchases under certain restrictions.

STATUTE I.

Jan. 31, 1824.

CHAP. XVII.—*An Act to authorize the surveying and making a road from a point opposite to Memphis, in the state of Tennessee, to Little Rock, in the territory of Arkansas.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to appoint three commissioners, who shall explore, survey, and mark, in the most eligible course, a road from a point on the right bank of the river Mississippi, opposite to the town of Memphis, in the state of Tennessee, to Little Rock, in the territory of Arkansas; and said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States: who, if he approves of the said survey, shall cause the plats thereof to be deposited in the office of the treasury of the United States, and the said road shall be considered as established and accepted.

Act of March 3, 1827, ch. 96.  
The President to appoint three commissioners to open a road from a point on the right bank of the Mississippi, opposite to the town of Memphis, to Little Rock, Arkansas.

SEC. 2. *And be it further enacted,* That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

United States troops to complete the same.

SEC. 3. *And be it further enacted,* That the said commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day which they shall be necessarily employed, in the exploring, surveying, and marking, said road: And, for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said road, there shall be, and hereby is, appropriated, the sum of fifteen thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

Compensation to the commissioners, three dollars;— Assistants, one dollar fifty cents per day.

APPROVED, January 31, 1824.

STATUTE I.

Feb. 20, 1824.

CHAP. XX.—*An Act to revive and continue in force an act, entitled "An act fixing the compensations of the secretary of the Senate and clerk of the House of Representatives, of the clerks employed in their offices, and of the librarian."*

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

Act of April 18, 1818, ch. 69.  
Compensations of the secretary of the Senate, and clerk of the House of Representatives, &c.

APPROVED, February 20, 1824.

STATUTE I.

Feb. 28, 1824.

CHAP. XXII.—*An Act to authorize the laying out and opening certain public roads in the territory of Florida.*

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

[Obsolete.]  
A public road to be opened from Pensacola

to St. Augustine.

United States be, and he is hereby, authorized to cause to be opened, in the territory of Florida, a public road from Pensacola to St. Augustine, commencing at Deer Point, on the bay of Pensacola, and pursuing the Old Indian Trail to the Cow Ford, on the Choctawhatchy river; thence, direct to the natural bridge on the Ecanfinan river; thence, to the Ocheese Bluff, on the Appalachian river; thence, in the most direct practicable route, to the site of Fort St. Lewis; thence, as nearly as practicable, on the old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

The troops of the United States to open the same.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to employ the troops of the United States, stationed in Florida, in such manner as he may think proper, in the completion, or in assisting in the completion, of said road.

20,000 dollars to be appropriated.

SEC. 3. *And be it further enacted*, That, for defraying the expenses of opening the said road, the sum of twenty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

The most direct and practicable route to be surveyed from Cape Sable to where the Suwaney river will be intersected by the road from Pensacola to St. Augustine, &c.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to cause to be surveyed and marked out, the most direct and practicable route for a public road from Cape Sable, passing by Charlotte Harbour and the bay of Tampa, to the point where the Suwaney river will be intersected by the road to be opened from Pensacola to St. Augustine, and to cause to be surveyed, and marked out, the route for a public road, from Cape Florida to St. Augustine.

3000 dollars to be appropriated.

SEC. 5. *And be it further enacted*, That, for defraying the expenses of the surveys aforesaid, the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, February 28, 1824.

STATUTE I.

Feb. 28, 1824.

CHAP. XXIII.—*An Act to regulate the surveying of public and private lands in the southern part of Alabama.*

Lands to be attached to the district of the surveyor, and the deputy surveyor east of the island of New Orleans, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all the lands in the state of Alabama shall be attached to the district of the surveyor of the public lands in the state of Alabama, and the surveying of all public and private lands, in the said state, shall hereafter be made under his direction; and it shall be the duty of the deputy surveyor of the district east of the island of New Orleans, and east of Pearl river, to return the plats of all private claims within the state of Alabama, to the office of the said surveyor.

APPROVED, February 28, 1824.

STATUTE I.

Feb. 28, 1824.

CHAP. XXV.—*An Act to extend the time limited for the settlement of private land claims in the territory of Florida. (a)*

[Expired.]  
The act amending, &c. the act for ascertaining the titles to land in Florida, to be extended.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the time limited for the settlement of private land claims in the territory of Florida, by an act of the seventeenth Congress, entitled "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, be, and the same is hereby, extended and enlarged, until the

Act of March 3, 1823, ch. 29, 34.

(a) See notes to the act of May 8, 1822, ch. 129.

first day of January next, when the commissioners for ascertaining claims and titles to the lands aforesaid shall make a return of their proceedings to the secretary of the treasury, to be laid before Congress.

SEC. 2. *And be it further enacted,* That the claimant or claimants shall not be required to produce, in evidence, a deraignment of title from the original grantee or patentee, but the exhibition of the original title papers, agreeably to the fourth section of an act, passed the eighth of May, eighteen hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands within the territory of Florida," with the deed or devise, to the claimant, and the office abstract or abstracts of the intermediate conveyances for the last ten years preceding the surrender of Florida to the United States; and, where they cannot be produced, their absence being satisfactorily accounted for, shall be sufficient evidence of the right of the claimant or claimants to the land so claimed as against the United States: *Provided,* The claim be defined in quantity, and the amount does not exceed the quantity limited in the second section of the act which this is intended to extend; *And provided,* the conditions required by the laws and ordinances of the Spanish government, and the treaty between Spain and the United States, shall have been complied with.

SEC. 3. *And be it further enacted,* That no person shall be taken and deemed to be an actual settler, within the provisions of the "act amending, and supplementary to, an act for ascertaining claims and titles to land in the territory of Florida," passed on the third day of March, one thousand eight hundred and twenty-three, unless such person, or those under whom he claims title, shall have been in the cultivation, or occupation, of the land, at and before the period of the cession.

SEC. 4. *And be it further enacted,* That so much of the act of which this is an amendment, as authorizes the secretary of said commissioners to demand and receive from the claimants ten cents per hundred words for recording titles to land, be, and the same is hereby repealed.

SEC. 5. *And be it further enacted,* That the former secretaries, or those who may now be secretaries, to the said boards of commissioners, who shall have received their salary of one thousand two hundred and fifty dollars, from the treasury of the United States, which is, by law, declared to be their full compensation, shall be, and they are hereby, required to pay over, respectively, to the commissioners, conformably with the provisions of the original law, all such fees as have been demanded, and received by them, which shall be appropriated to defray the expenses of the commission.

SEC. 6. *And be it further enacted,* That so much of the acts of which this is amendatory, as makes void all claims not filed before the first day of December, one thousand eight hundred and twenty-three, be, and the same is hereby, repealed; and it shall be lawful for claims to be filed any time previous to the first day of September next; but all and every claim not filed by that time, shall be held and deemed void and of none effect.

SEC. 7. *And be it further enacted,* That each of the commissioners heretofore appointed, or who may hereafter be appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive, from the first Monday in February until the first day of January next, at the rate of two thousand dollars per annum, in full compensation for his services.

APPROVED, February 28, 1824.

Act of March 3, 1825, ch. 83. April 22, 1826, ch. 29.

The claimant or claimants not required to produce in evidence a deraignment of title from the original grantee or patentee, &c. 1822, ch. 129.

Proviso.

Proviso.

No person to be deemed an actual settler within the provisions of the act of March 3, 1823, ch. 29, unless he be an occupier, &c.

Part of act repealed.

Secretaries of commissioners having received 1250 dollars, required to pay over such fees as have been demanded and received by them.

So much of the acts of which this is amendatory, as makes void all claims not filed before Dec. 1, 1823, to be repealed.

Compensation of the commissioners.

## STATUTE I.

March 8, 1824.

CHAP. XXVI.—*An Act to repeal, in part, an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned."*

So much of the act of April 18, 1814, ch. 79, as lessens the compensation of marshals, &c., to be repealed.

*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, passed on the eighteenth day of April, Anno Domini one thousand eight hundred and fourteen, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," as prohibits the allowance of daily compensation to marshals, clerks, and attorneys, in the districts in said act mentioned, be, and the same hereby is, repealed; and that there, hereafter, be allowed to the marshals, clerks, and attorneys, for said districts, the same daily compensation as is allowed to the same officers in other districts.

APPROVED, March 8, 1824.

## STATUTE I.

March 10, 1824.

[Obsolete.]

Specific appropriations for the military service, for 1824.

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

*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-four, to wit:

For pay of the army, and subsistence of officers, nine hundred and ninety-four thousand four hundred and seven dollars and five cents, including the sum of one hundred and twenty-eight thousand one hundred and nineteen dollars, for the pay and subsistence of the officers and cadets belonging to the military academy at West Point.

For subsistence, in addition to an unexpended balance of twenty-one thousand six hundred dollars, two hundred and sixty-nine thousand three hundred and forty-seven dollars.

For forage for officers, thirty-six thousand one hundred and twenty-three dollars.

For the recruiting service, in addition to an unexpended balance of sixteen thousand dollars, thirteen thousand four hundred dollars.

For contingent expenses for the recruiting service, sixteen thousand eight hundred dollars.

For the purchasing department, in addition to the amount of clothing on hand, one hundred and forty-one thousand six hundred and twenty-seven dollars and fifty-nine cents.

For the purchase of woollens, during the year one thousand eight hundred and twenty-four, in advance for the year one thousand eight hundred and twenty-five, twenty thousand dollars.

For the medical and hospital department, in addition to supplies on hand, and an unexpended balance, both amounting to twenty-two thousand seven hundred dollars, ten thousand dollars.

For the quartermaster general's department, in addition to an unexpended balance of thirty-five thousand dollars, two hundred and forty-nine thousand dollars.

Proviso.

For the purchase of Gridley's farm, ten thousand dollars: *Provided,* said farm shall not be purchased unless the same shall be procured for said ten thousand dollars.

For the contingencies of the army, fifteen thousand dollars.

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

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

For pensions to the revolutionary pensioners of the United States, one



million two hundred and ninety-one thousand seven hundred and sixteen dollars and thirty-nine cents.

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirteen thousand one hundred and seventy-four dollars and forty-two cents.

For arrearages in the War Department, prior to the first of July, one thousand eight hundred and fifteen, twenty-six thousand 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 securities.

APPROVED, March 10, 1824.

To be paid out of the treasury.  
Proviso.

Proviso.

STATUTE I.

March 10, 1824.

CHAP. XXVIII.—*An Act for the better organization of the district courts of the United States within 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 the state of Alabama shall be, and the same is hereby, divided into two districts, in manner following, to wit:—That part thereof composing the counties of Jackson, Decatur, Madison, Limestone, Lauderdale, Franklin, Lawrence, Morgan, Blount, St. Clair, Jefferson, Walker, and Marion, shall compose one district to be called the northern district of Alabama; and the residue thereof, shall compose another district to be called the southern district of Alabama.

Act of April 21, 1820, ch. 47.  
The state of Alabama to be divided into two districts.

Sec. 2. *And be it further enacted*, That there shall be two terms of the district court for the southern district, held at Mobile, in each year, to begin on the third Monday after the fourth Monday in March, and the fourth Monday after the fourth Monday in October; and one term at Cahawba, in each year, to begin on the third Monday in June; and one term of the district court, for the northern district, shall be held in Huntsville, in each year, to begin on the second Monday in July; and the district judge of the United States, for the state of Alabama, is hereby required to hold the courts aforesaid, and furthermore, to hold one or more special terms, at Cahawba, and at Huntsville, in each year, if, in his opinion, the business of the court shall require it to be done.

District court for the southern district to be held at Mobile twice, at Cahawba once; and that of the northern district at Huntsville once in each year.

Sec. 3. *And be it further enacted*, That the third Monday in December, in each year, shall be a return day for writs and executions, returnable to the said district court at Cahawba; and the second Monday in January, in each year, shall be a return day for writs and executions returnable to the said district court at Huntsville; and the parties to such suits as shall be so returned, shall make up their pleadings under such rules as the court shall prescribe, in order to have the causes so returned, in a state for trial at the next regular term.

All writs and executions to be returned to the district court at Mobile and Cahawba, to be adjourned, &c. to the times appointed by this act.

Sec. 4. *And be it further enacted*, That all causes pending in the

All cases

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

pending in the district courts, at Mobile and Cahawba, to be adjourned, &c. to the times appointed by this act, &c.

All cases pending in said courts, in which the defendant or defendants resided in the northern district at the time of serving the process, to be transferred to the court for the northern district, &c.

All suits hereafter to be brought, not of a local nature, to be brought only in the district where the defendant shall reside, &c.

A clerk of the district court for the northern district to be appointed.

The district attorney for the district of Alabama to be attorney for the southern, and one to be appointed for the northern district.

Adjournment in case of the non-attendance of the judge.

#### STATUTE I.

March 16, 1824.

The country lying between the Illinois and Mississippi rivers, &c. to be attached to, &c. the land district of Ed-wardsville, &c.

said district courts at Mobile and Cahawba shall be adjourned and continued from the times heretofore prescribed by law for holding said courts respectively, to the times appointed by this act: and all recognisances and process of every description, made returnable to the former terms of holding said courts, respectively, shall be returned to the terms herein established, and be as valid as if the time of holding the same had not been changed.

SEC. 5. *And be it further enacted*, That all causes at law or in chancery, pending in the said district courts at Mobile and Cahawba, in which the defendant or defendants resided in the northern district, at the time of serving the process, shall be transferred to the district court for the said northern district, established by this act, and be proceeded in, adjudged, and determined, in the same manner as if originally commenced in said court; and it shall be the duty of the clerks of the said district courts at Mobile and Cahawba, to transmit by some safe conveyance, to the clerk of the district court for the northern district, the original papers in all such causes, together with a transcript of all proceedings had therein.

SEC. 6. *And be it further enacted*, That all suits hereafter to be brought, in either of the courts aforesaid, not of a local nature, shall be brought only in the district where the defendant shall reside; but if there be more than one defendant, and some of them reside in the northern, and some in the southern district, the plaintiff may sue in either, and send a duplicate writ to the other, on which he shall endorse that it is part of a suit brought in the district from which it is sent; and the said writs, when executed and returned, shall constitute one suit, and be proceeded in accordingly.

SEC. 7. *And be it further enacted*, That the judge of said courts shall appoint a clerk of the district court of the northern district, who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said court: be entitled to the same fees allowed by law to the clerks of the southern district, and be subject to the same liabilities and penalties.

SEC. 8. *And be it further enacted*, That the district attorney heretofore appointed for the district of Alabama, shall be the district attorney for the southern district of Alabama; and there shall be a district attorney appointed for the northern district of Alabama, who shall hold his appointment for the same term, be subject to the same duties, and receive the same salary, fees, and emoluments allowed to the district attorney of the southern district of Alabama.

SEC. 9. *And be it further enacted*, That, should the judge fail to attend at the time and place of holding any of the courts herein mentioned, before the close of the third day of the term, the business thereof shall stand adjourned to the next term.

APPROVED, March 10, 1824.

CHAP. XXIX.—*An Act to define the boundary line between the Edwardsville and Springfield land districts, in the state of Illinois.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all that tract of country lying between the Illinois and Mississippi rivers, and south of the base line of the military surveys, be, and the same is hereby, attached to, and made a part of, the land district, the office of which is located at Ed-wardsville; and all that tract of country lying between the said rivers, and north of the said base line, be, and the same is hereby, attached to, and made a part of, the land district, the office of which is established at Springfield, in the county of Sangamo.

APPROVED, March 16, 1824.

CHAP. XXX.—*An Act to change the terms of the district court of the United States for the Kentucky district. (a)*

STATUTE I.  
March 24, 1824.

*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 sessions of the district court of the United States, in and for the Kentucky district, shall commence and be holden on the first Monday of May and of November, in each year. instead of the terms now appointed by law.*

Act of March 1, 1823, ch. 23.  
The sessions of the district court of Kentucky, to be held on the first Mondays of May and November.  
Motions, &c. to stand adjourned.

SEC. 2. *And be it further enacted, That all motions, process, pleas, and suits, returnable to the term of said court, heretofore appointed to be holden in April next, shall stand adjourned and continued over to the May term, next appointed by this act, and shall be as effectual in law as if the said April term had not been abolished.*

APPROVED, March 24, 1824.

CHAP. XXXI.—*An Act to authorize the employing of certain assistants in the general land office.*

STATUTE I.  
March 24, 1824.

*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 to employ in the general land office, for a term not exceeding twelve months, one assistant draughtsman and two colourers, for the purpose of completing the maps directed to be made by a resolution of the Senate of the United States, passed on the twenty-eighth day of February, one thousand eight hundred and twenty-three.*

One draughtsman and two colourers to be appointed in the general land office for one year.

APPROVED, March 24, 1824.

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

STATUTE I.  
April 2, 1824.

*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-four; that is to say:*

[Obsolete.] Sums appropriated for the service of the year 1824.

For compensation to the Senators and members of the House of Representatives, their officers, and attendants, including the sum of two hundred and sixty-five thousand one hundred and forty dollars, appropriated by an act making a partial appropriation for the year one thousand eight hundred and twenty-four, passed the nineteenth day of January last, four hundred and fifty-three thousand eight hundred and seventy-two dollars.

Congress and their officers.

1823, ch. 3.

For expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, sixty thousand seven hundred dollars.

Contingent expenses of Congress.

For expenses of the library of Congress, including the salary of the librarian, one thousand nine hundred and fifty dollars.

Library, and librarian to Congress.  
President.

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

Vice President.

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

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

Secretary of State.

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.

Clerks.  
1818, ch. 87.

(a) See notes to act of March 1, 1823, ch. 23.

- Messengers.** For compensation to the messengers in said department, including the messenger in the patent office, one thousand four hundred dollars.
- Contingent expenses.** For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, twenty-seven thousand three hundred and fifty dollars.
- Secretary of the Treasury.** For compensation to the Secretary of the Treasury, six thousand dollars.
- Clerks.** For compensation to the clerks in the office of the Secretary of the Treasury, per act of twentieth of April, one thousand eight hundred and eighteen, ten thousand dollars.
- Additional clerk.** For compensation to an additional clerk, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand one hundred and fifty dollars.
- Messengers.** For compensation to the messengers in said office, one thousand and fifty dollars.
- First comptroller.** For compensation to the first comptroller of the treasury, three thousand five hundred dollars.
- Clerks.** 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.
- Messengers.** For compensation to the messengers in said office, one thousand and fifty dollars.
- Second comptroller.** For compensation to the second comptroller of the treasury, three thousand dollars.
- Clerks.** For compensation to the clerks in the office of the second comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.
- Messenger.** For compensation to the messenger in said office, seven hundred dollars.
- First auditor.** For compensation to the first auditor of the treasury, three thousand dollars.
- Clerks.** For compensation to the clerks in the office of the first auditor, thirteen thousand two hundred dollars.
- Messenger.** For compensation to the messenger in said office, seven hundred dollars.
- Second auditor.** For compensation to the second auditor of the treasury, three thousand dollars.
- Clerks.** For compensation to the clerks in the office of the second auditor, fourteen thousand four hundred dollars.
- Messenger.** For compensation to the messenger in said office, seven hundred dollars.
- Third auditor.** For compensation to the third auditor of the treasury, three thousand dollars.
- Clerks.** For compensation to the clerks in the office of the third auditor, twenty-three thousand three hundred and fifty dollars.
- Messengers.** For compensation to the messengers in said office, one thousand and fifty dollars, in full of allowances.
- Fourth auditor.** For compensation to the fourth auditor of the treasury, three thousand dollars.
- Clerks.** For compensation to the clerks in the office of the fourth auditor, per act of twentieth [of] April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.
- Messenger.** For compensation to the messenger in said office, seven hundred dollars, in full of allowances.
- Additional clerk.** For an additional clerk in said office, for the year one thousand eight hundred and twenty-four, one thousand dollars.
- Fifth auditor.** For compensation to the fifth auditor of the treasury, three thousand dollars.
- Clerks.** For compensation to the clerks in the office of the fifth auditor, per

act of twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

1818, ch. 87.

For two clerks to complete the duties of the commissioner of the revenue, transferred to the office of the fifth auditor, two thousand five hundred and fifty dollars.

Clerks to commissioner of revenue.

For one clerk on the business of the agent of the treasury, transferred to the office of the fifth auditor, one thousand one hundred and fifty dollars.

Clerk on business of agent of the treasury.

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

Messenger.

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

Treasurer.

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.

Clerks.

1818, ch. 87.

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, one thousand two hundred dollars.

Additional clerk.

1820, ch. 40.

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

Messenger.

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

Commissioner of general land office.

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.

Clerks.

1818, ch. 87.

For compensation to such persons as may be employed to bring up the business in said office, three thousand dollars.

Persons employed in the office.

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

Messengers.

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

Register of treasury.

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.

Clerks.

1818, ch. 87.

For compensation to the messenger, including the allowance for stamping ships' registers, eight hundred dollars.

Messenger, &c.

For compensation to the assistant messenger in said office, three hundred and fifty dollars, in full of allowances.

Assistant messenger.

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

Secretary to sinking fund.

For allowance to the person employed in transmitting passports and sea-letters, for expense of translating foreign languages in the office of the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts for the year one thousand eight hundred and twenty-four, twenty-six thousand one hundred and fifty dollars.

Transmitting passports, translating, &c. in the treasury.

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 and nine hundred dollars.

Superintendent and watchmen.

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

Secretary of War.

For compensation to the clerks in the office of the Secretary of War, twenty-two thousand and six hundred dollars.

Clerks.

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

Messengers.

For compensation to the clerks in the office of the paymaster general, three thousand one hundred dollars.

Paymaster general.

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

Clerks.  
Messenger.

For compensation to the clerks in the office of the commissary general of purchases, two thousand eight hundred dollars.

Commissary general.

- Messenger.** For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Adjutant general's clerks.** For compensation to the clerks in the office of the adjutant general, two thousand one hundred and fifty dollars.
- Clerks of the ordnance.** For compensation to the clerks in the ordnance office, two thousand nine hundred and fifty dollars.
- Clerks of commissary general of subsistence.** For compensation to the clerks in the office of the commissary general of subsistence, two thousand one hundred and fifty dollars.
- Clerks of chief engineer.** For compensation to the clerks in the office of the chief engineer, two thousand one hundred and fifty dollars.
- Surgeon general's clerk.** For compensation to the clerk in the office of the surgeon general, one thousand one hundred and fifty dollars.
- Contingent expenses of War Department.** For the contingent expenses of the War Department, seven thousand dollars.
- Secretary of the Navy.** For compensation to the Secretary of the Navy, six thousand dollars.
- Clerks, 1818, ch. 87.** For compensation to the clerks in the office of the Secretary of the Navy, per act of twentieth of April, one thousand eight hundred and eighty-two, eight thousand two hundred dollars.
- Messengers.** For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Contingent expenses.** For the contingent expenses of the office of the Secretary of the Navy, two thousand five hundred dollars.
- Commissioners of navy board.** For compensation to the commissioners of the navy board, ten thousand five hundred dollars.
- Secretary of board.** For compensation to the secretary of the commissioners of the navy board, two thousand dollars.
- Clerks, 1818, ch. 87.** For compensation to the clerks in the office of the commissioners of the navy board, per act of twentieth of April, one thousand eight hundred and eighty-two, three thousand five hundred and fifty dollars.
- Other clerks, &c.** For compensation to three clerks, and a draftsman, as allowed by the acts of appropriation since the first of January, one thousand eight hundred and ninety-two, four thousand dollars.
- Messenger.** For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Contingent expenses.** For the contingent expenses of said office, one thousand eight hundred dollars.
- Superintendent and watchmen of war and navy buildings.** 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, candles, and labour, two thousand one hundred and fifty dollars.
- Postmaster General.** For compensation to the Postmaster General, four thousand dollars.
- Assistant P. M. general.** For compensation to the two assistant postmasters general, five thousand dollars.
- Clerks, 1818, ch. 87.** For compensation to the clerks in the General Post-office, per act of twentieth of April, one thousand eight hundred and eighty-two, twenty-two thousand seven hundred dollars.
- Two clerks, as allowed per act of 1823, 1823, ch. 31.** For compensation to two clerks, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand six hundred dollars.
- Messengers.** For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Contingent expenses.** For the contingent expenses of said office, four thousand dollars.
- Surveyor general.** For compensation to the surveyor general, two thousand dollars.
- Clerks.** For compensation to the clerks in the office of the surveyor general, two thousand one hundred dollars.
- Surveyor south of Tennessee.** For compensation to the surveyor south of Tennessee, two thousand dollars.
- Clerks.** For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.

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

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

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

For compensation to the commissioner of the public buildings, in Washington city, one thousand five hundred dollars.

For compensation to the officers and clerk of the mint, nine thousand six hundred dollars.

For persons employed in the different operations of the mint, nine thousand four hundred dollars.

For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage of the mint, seven thousand seven hundred and seventy-five dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, eight thousand seven hundred and thirty-six dollars and thirty cents.

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

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

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

For compensation of the governor, judges, and secretary, of the Florida territory, seven thousand dollars.

For compensation to six commissioners to settle land claims in said territory, twelve thousand dollars.

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 and four hundred dollars.

For compensation to the attorney general of the United States, three thousand five hundred dollars.

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

For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to sundry district attorneys and marshals as granted by law, including those in the several territories, ten thousand one hundred dollars.

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 thousand dollars.

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

For the support and maintenance of lighthouses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs, and improvements, and contingent expenses, and including an unexpended balance of appropriation on the first of January, one thousand eight hundred and twenty-four, of seventeen thousand five hundred and eleven dollars and seventy-three cents; and, also, five thousand dollars in addition to the sum of three thousand five hundred dollars, heretofore appropriated for building a lighthouse near fort Gratiot, in Michigan territory,

Surveyor in Illinois and Missouri, &c. Clerks.

Surveyor in Alabama. Clerks.

Commissioner of public buildings. Officers and clerk of the mint.

Persons employed in the mint.

Contingent expenses, &c.

Governor, &c. of Michigan.

Contingent expenses.

Governor, &c. of Arkansas.

Contingent expenses.

Governor, judges, &c. of Florida.

Six commissioners.

Chief justice, &c. of the United States.

Attorney general.

Clerk.

Reporter of Supreme Court.

District attorneys and marshals.

Courts, jurors, and witnesses.

Sundry pensions.

Lighthouses. Buoys, &c.

one hundred and nine thousand seven hundred and seventy-four dollars and thirty-three cents.

**Registers, &c.** For payment of the salaries of the registers and receivers of the different land offices, thirty-nine thousand dollars.

**Surveying.** For surveying the public lands, seventy-five thousand dollars.

**Capitol.** For continuing the work on the centre building, eighty-six thousand dollars.

**Repairs in the room occupied by the Supreme Court.** For alterations and repairs in the room occupied by the Supreme Court, six hundred and forty dollars.

**Capitol square, &c.** For improving the capitol square and painting the railing round the same, two thousand dollars.

**Footways.** For making a footway in front of the public grounds and open spaces between the Capitol and Navy office, five thousand dollars.

**Stationery, &c. for commissioners of loans.** For stationery and books, for the offices of commissioners of loans, two thousand dollars.

**Rent, &c. of the tenement occupied by the President.** For rent and repairs of the tenement formerly occupied as a temporary residence by the President of the United States, eight hundred and thirty-nine dollars, twenty-four cents.

**Registers for ships, &c.** For registers for ships and vessels of the United States, and for lists of crews, four thousand dollars.

**Seamen.** For sick, disabled, and destitute seamen, in foreign countries, forty thousand dollars.

**Miscellaneous claims.** For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the treasury, six thousand dollars.

**Ministers, &c. of the United States.** For the salaries of the ministers of the United States to London, Paris, St. Petersburg, Madrid, and Lisbon, the chargé des affaires at Madrid, from the third of March to the fourth of November, eighteen hundred and twenty-three, and also for the chargé des affaires at Stockholm, and the Hague, fifty-seven thousand five hundred dollars.

**Ministers, &c. appointed to the governments on the continent of America.** For the salaries of the ministers or chargé des affairs of the United States, who have been, or may be appointed to the governments on the continent of America, thirty-six thousand dollars.

**Outfits.** For outfits of the ministers to Paris and Madrid, eighteen thousand dollars.

**Secretaries of legation.** For salaries of the several secretaries of legation, eighteen thousand dollars.

**Contingent expenses.** For the contingent expenses of those missions, twenty thousand dollars.

**Agents of claims.** For the salaries of the agents of claims at London and Paris, four thousand dollars.

**Commissioner, &c., under the first article of the treaty of Ghent, &c.** For payment of the salaries of the commissioner and arbitrator under the first article of the treaty of Ghent, and for one half of the salary of the secretary, and half the contingent expenses of the commission, two thousand five hundred dollars, in addition to the unexpended balance of the appropriation for one thousand eight hundred and twenty-three for the same object.

**Carrying into effect the sixth and seventh articles of the treaty of Ghent.** For expenses of carrying into effect the sixth and seventh articles of the treaty of Ghent, including the compensation of the commissioners, agents, and surveyors, and their contingent expenses, sixteen thousand dollars.

**Barbary powers.** For expenses of intercourse with the Barbary powers, thirty thousand dollars.

**Contingent expenses of foreign intercourse.** For contingent expenses of foreign intercourse, forty thousand dollars.

**Extra clerks in General Post-office.** For compensation for extra clerks employed in the General Post-office during the last year, nine hundred and thirty-nine dollars and twenty-five cents.



For compensation of nine members of the legislative council of the Michigan territory, at two dollars each, per day, for sixty days, one thousand and eighty dollars.

Legislative council of Michigan.

For the contingent expenses of the legislative council, including the printing of the laws of said territory, one thousand two hundred dollars.

Contingent expenses, &c.

For the salaries of the secretaries of the land commissioners of East and West Florida, two thousand five hundred dollars.

Secretaries, &c.

For compensation and travelling expenses of the members of the legislative council of the Florida territory, and for contingent expenses of the territory, including arrearages for the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three, six thousand six hundred and sixty-two dollars sixty-four cents, being the unexpended balance of the last year.

Compensation, &c., of legislative council of Florida, &c.

For the completion of the medals voted by Congress to certain general officers; to purchase gold for the medals, and to replace General McComb's medal, two thousand three hundred and fifty dollars.

Medals, &c.

For a draughtsman and two colourers, for the general land office, authorized by law, three thousand dollars.

Draughtsman, &c.

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, also*, That nothing in this section contained, shall be construed to 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.

Paid out of the treasury.

Proviso.

Proviso.

APPROVED, April 2, 1824.

STATUTE I.

April 9, 1824.

CHAP. XXXIII.—*An Act to amend an act, entitled "An act for the establishment of a turnpike company in the county 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, during the continuance of the act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," passed the twenty-first April, one thousand eight hundred and eight, the Washington and Alexandria turnpike company shall be entitled to demand and receive, by their proper agents, servants, or officers, at the bridge built by said company, over Four Mile Creek, between the town of Alexandria and the city of Washington, the sum of one cent from each and every person passing on foot over said bridge: *Provided always, and it is further enacted*, That, whenever the net proceeds of tolls collected on said road and bridge shall be sufficient to defray the expense of rebuilding the bridge on Four Mile Run, keeping said bridge and road in a sufficient state of repair, and allow the stockholders dividends, at the rate of six per centum per annum, then, and in that case, the circuit court of the District of Columbia for the county of Alexandria shall determine that the right of said company to demand the tolls prescribed by this act, or any other tolls, from foot passengers, shall cease.

During the continuance of the act of April 21, 1808, ch. 50, the Washington and Alexandria turnpike company may demand, at the bridge over the Four Mile Creek, one cent for each foot passenger.

Proviso.

APPROVED, April 9, 1824.

## STATUTE I.

April 9, 1824.

[Obsolete.]

Acts of March 4, 1814, ch. 20, and April 16, 1818, ch. 65, extended.

Act of May 26, 1824, ch. 190.

Proviso.

Proviso.

CHAP. XXXIV.—*An Act extending the term of pensions granted to persons disabled and to the widows and orphans of those who have been slain, or who have died, in consequence of wounds or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, the pensions of all persons, who now are in the receipt thereof, under the provisions of the following laws of the United States, or either of them, to wit: an act passed March fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and an act passed April sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States:" so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *Provided, however,* That the said pensions shall alone be paid from the proceeds of the privateer pension fund so called, and without recourse to the United States for any deficiency (should such occur,) which may hereafter arise thereon: *And provided, further,* That no pension shall be paid to any such widow after her intermarriage, nor to any orphan children of such officer, seamen, or marines, after they shall have attained the age of sixteen years.

APPROVED, April 9, 1824.

## STATUTE I.

April 9, 1824.

Official acts of James Miller as governor of Arkansas, from March 3, 1822, to Jan. 3, 1823, declared valid.

CHAP. XXXV.—*An Act confirming certain acts of James Miller, as governor of the territory of Arkansas, 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 official acts and proceedings of James Miller, as governor of the territory of Arkansas, from the third day of March, A. D. one thousand eight hundred and twenty-two, to the third day of January, A. D. one thousand eight hundred and twenty-three, be, and the same are hereby, declared to have the same validity, force and effect, as if the said James Miller had been duly appointed and commissioned for and during the said term, by the President of the United States, as governor of the territory of Arkansas; and he is hereby authorized to have and receive the same salary, pay and emoluments, as he would by law have been entitled, during the same period, to receive, if he had been so appointed and commissioned as aforesaid.

APPROVED, April 9, 1824.

## STATUTE I.

April 22, 1824.

Sessions of the circuit court for the Ohio district, and the district court.

CHAP. XXXVI.—*An Act to change the terms of the circuit and district courts of the United States in the state of Ohio, and one of the terms of the circuit court in Kentucky.*(b)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the circuit court of the United States, within and for the district of Ohio, instead of the time

(a) This act was revived by the act of May 26, 1824, ch. 190.

(b) See vol. ii. 420, 516.

now fixed by law, shall be held on the second Monday of July next; and thereafter on the first Mondays of January and June in each year; and the district court of the United States, in and for said district, shall hereafter be held on the Mondays next succeeding the times herein fixed for holding the circuit court.

SEC. 2. *And be it further enacted*, That the next fall term of the circuit court of the United States for the district of Kentucky, be commenced and held on the second Monday in October next, in lieu of the first Monday in November: *Provided*, That this act shall not be construed to extend to, or embrace, any other or future term of the said circuit court, than the next November term, as aforesaid.

SEC. 3. *And be it further enacted*, That all recognisances, process, suits, and proceedings, of every kind, whether of a civil or criminal nature, commenced or pending in either of said courts, shall be returned to, proceeded in, and determined at, the terms herein provided for, in the same manner as if the time of holding said courts had not been changed.

APPROVED, April 22, 1824.

The next fall term of the circuit court for the Kentucky district, to be held on the second Monday in October.

Proviso.

All recognisances, &c. to be proceeded in, &c.

STATUTE I.

April 22, 1824.

CHAP. XXXVII.—*An Act giving the consent and sanction of Congress to a certain act of the legislative council of the territory of Florida.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the consent and sanction of Congress be, and the same are hereby, given to the act of the legislative council of the territory of Florida, approved by the governor of said territory on the fourth day of July, Anno Domini one thousand eight hundred and twenty-three, entitled "An act to provide for levying a poll tax."

APPROVED, April 22, 1824.

Consent, &c. of Congress, given to the act of the legislative council of Florida.

STATUTE I.

April 22, 1824.

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

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in lieu of the times now appointed by law, the district court of the United States for the district of Illinois, shall be hereafter holden on the third Mondays in June and November in each year.

SEC. 2. *And be it further enacted*, That all writs, pleas, suits, recognisances, indictments, and all other proceedings of a civil or criminal nature, now pending in, or which are, or may be, returnable to, said court, shall be heard, tried and proceeded with, by the said court, in the same manner as if no alteration of the times for holding said court had taken place.

APPROVED, April 22, 1824.

Act of March 3, 1819, ch. 70.

The district court for the district of Illinois to be holden on the third Mondays in June and November.

All writs to be proceeded in &c.

STATUTE I.

April 22, 1824.

CHAP. XXXIX.—*An Act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt.'"* (b)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the person or persons who shall or may be commissioned, either by any judge of the

Act of Jan. 6, 1800, ch. 4.

Act of Jan. 7, 1824, ch. 3.

(a) See notes to act of April 18, 1818, ch. 67.

(b) The constitutional and legal rights of a citizen of the United States to sue in the circuit court of the United States, do not permit an act of insolvency, completely executed under the authority of a state, to be a good bar to a recovery upon a contract made in another state. *Suydam et al. v. Broadnax*, 14 Peters, 97.

Persons commissioned under act of Jan. 6, 1800, to have full power, &c. to issue a citation directed to the creditor, his agent, or attorney, &c.

The creditor, &c., if living within 50 miles, to give fifteen days' previous notice.

Supreme Court of the United States, or by any district judge of the United States, to administer the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini, one thousand eight hundred, shall, and may have full power and authority to issue a citation, directed to the creditor, his agent or attorney, if either lives within one hundred miles of the place of imprisonment, requiring him to appear at the time and place therein mentioned, if he see fit, to show cause why the said oath or affirmation should not be so administered.

SEC. 2. *And be it further enacted*, That, if the creditor, his agent, or attorney, lives within fifty miles of the place of imprisonment, only fifteen days' previous notice by citation shall be required.

APPROVED, April 22, 1824.

#### STATUTE I.

April 29, 1824.

[Obsolete.]  
Special appropriation for the Navy.

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

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

Pay of officers and seamen.

For the pay and subsistence of the officers, and pay of the seamen, eight hundred and forty-seven thousand one hundred and forty-two dollars and twenty-five cents.

Provisions.

For provisions, in addition to the sum of twenty-five thousand one hundred and twenty-eight dollars, and seventy-five cents, the balance of appropriation for provisions unexpended and provisions on hand, three hundred thousand dollars.

Medicines.

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

Subsistence of officers at navy yards &c.

For pay, subsistence, and allowances, of every description, to all commissioned and warrant officers, employed at the several navy yards and store stations, also of naval constructors, store-keepers, inspectors, master workmen, clerks of the yards, of the check, and of commanders, and porters attached to the navy yards and store stations, two hundred and thirty-one thousand two hundred and ninety-three dollars and twenty-six cents.

Contingent expenses.

For contingent expenses accruing in the present year ; that is to say : for commissions, clerk hire, office rent, stationery, and fuel, to navy agents ; premiums, and other expenses of recruiting ; freight of provisions, stores, and materials, from one station to another, and from the United States to distant stations in other countries where our ships are employed ; allowances to officers at the several navy yards and stations, for house rent, fuel, and candles ; travelling expenses for officers, and transportation for seamen ; freight of timber, wharfage, and dockage for vessels where there are no public yards ; expenses, and a per diem allowance, attending courts martial and courts of inquiry ; compensation to judge advocates ; cabin furniture for vessels in commission ; incidental labour at navy yards, which is not applicable to any other appropriation ; pilotage of public vessels in the United States, and in foreign countries ; printing naval registers, blank pay-rolls, receipt rolls, steward's returns, seamen's allotment tickets, the proceedings of courts martial ; storage of provisions, and stores in foreign ports, and in the United States where public stores are not provided ; coals for blacksmiths and anchor-makers, and fuel for steam-engines ; purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools ; chamber money to offi-

cers, in lieu of quarters, other than house-rent; purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery, of every description, used throughout the naval service; expense of pursuing deserters; expense of officers in sick quarters; storage of powder; lighterage and scow hire; postage of letters on public service; for per diem allowance to officers engaged on extra service beyond the limit of their stations; for the purchase and repairs of steam and fire engines and machinery; for expenses of burying deceased persons belonging to the navy; for taxes on navy yards and public property; and for accidents to the public vessels, and for no other object or purpose whatever, one hundred and ninety-five thousand dollars.

For contingent expenses for objects arising in the current year, and not hereinbefore enumerated, five thousand dollars.

For repairs of vessels, and for wear and tear, three hundred and fifty thousand dollars.

For the improvement of navy yards, docks, and wharves, slips, enclosures, and buildings, of every description, one hundred and fifty-seven thousand five hundred dollars, with authority to purchase, by and with the consent of the commonwealth of Massachusetts, a slip of land, estimated to contain about nine thousand superficial feet, to straighten the back line of the navy yard at Charlestown, Massachusetts.

For ordnance and ordnance stores, including small arms, manufacture of powder, one thousand dollars, with the unexpended balances of former appropriations, estimated to amount to about nineteen thousand dollars.

For ship's houses, to repay the amount taken from the gradual increase, seventy-eight thousand five hundred dollars.

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

For clothing for the same, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand dollars.

For military stores, including stocking arms, armorer's pay, armorer's tools, knapsacks, tents, camp equipage, accoutrements, and ordnance stores, five thousand dollars.

For medicines, hospital stores, and instruments for the officers and marines of the marine corps, stationed on shore, two thousand three hundred and sixty-nine dollars and seventy-one cents.

For contingent expenses; that is to say: fuel for commissioned officers, transportation, stationery, bed sacks, straw, extra rations to officers, and postage on public letters, nine thousand dollars.

For repairing barracks at the different stations, and for building new barracks at Portsmouth, ten thousand 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 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

Repairs of vessels.

Navy yards.

Ordnance and ordnance stores.

Ship's houses.

Marine corps.

Clothing.

Fuel.

Military stores, &c.

Contingent expenses.

Paid out of the treasury.

Proviso.

Proviso.

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

APPROVED, April 29, 1824.

STATUTE I.

April 29, 1824.

[Obsolete.]

Specific appropriations for certain fortifications.

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

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the following sums be, and the same are hereby, appropriated, to wit; For fortifications, to each specifically, as follows:

For fort Jackson, at Plaquemine Turn, on the river Mississippi, one hundred and ten thousand dollars.

For the fort at Chef Menteur, one hundred thousand dollars.

For the fort at Mobile Point, one hundred and twenty-five thousand dollars.

For fort Monroe, ninety-five thousand dollars.

For fort Calhoun, ninety thousand dollars.

For topographical reconnoissance, repairs, and contingencies, twenty-six thousand dollars.

For the purchase of a site, and collecting materials for the projected work at New Utrecht Point, one of the works intended to defend the Narrows, in New York harbour, fifty thousand dollars.

For the purchase of a site, and collecting materials for the projected work at Brenton's Point, Narraganset Bay, Rhode Island, fifty thousand dollars.

APPROVED, April 29, 1824.

STATUTE I.

April 29, 1824.

The district court for Missouri, to be held on the first Monday in March and September yearly.

Writs, &c. to be proceeded with as though no alteration had been made.

CHAP. XLV.—*An Act to alter the times of holding the district court, in the district of Missouri. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the district court, for the district of Missouri, shall hereafter be held on the first Mondays in March and September, in every year; any thing in any act heretofore passed, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That all writs, pleas, suits, recognisances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with, by the said court, at the times fixed in the first section of this act, in the same manner as if no alteration in the times for holding said court had taken place.

APPROVED, April 29, 1824.

STATUTE I.

April 30, 1824.

The President to cause the necessary sur-

CHAP. XLVI.—*An Act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.*

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

(a) The acts relating to the district court of Missouri, are:

An act to provide for the due execution of the laws of the United States, within the state of Missouri, and for the establishment of a district court therein, March 16, 1822, ch. 12, sec. 2, 3, 4, 5, 6.

An act to alter the time of holding the district court in the district of Missouri, April 29, 1824, ch. 45.

An act supplementary to the act entitled "An act to amend the judicial system of the United States," March 3, 1837, ch. 34.

An act to amend the act of the third of March, 1837, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States, and for other purposes,'" March 3, 1839, ch. 81.

United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what parts may be made capable of sloop navigation: the surveys, plans, and estimates, for each, when completed, to be laid before Congress.

SEC. 2. *And be it further enacted*, That, to carry into effect the objects of this act, the President be, and he is hereby, authorized to employ two or more skilful civil engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of thirty thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the treasury, not otherwise appropriated.

APPROVED, April 30, 1824.

veys to be made of such roads and canals as he may deem of national importance, &c.

Two or more skilful engineers to be employed.

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STATUTE I.

May 4, 1824.

CHAP. XLVII.—*An Act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States' Navy.*

*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 have distributed as prize money to Lieutenant Francis H. Gregory, of the United States' navy, and the officers and crews of two gigs, or small boats, under his command, or to their legal representatives, the sum of three thousand dollars, for the capture and destruction of a British gun-boat, called the Black Snake, in the river St. Lawrence, on the nineteenth of June, one thousand eight hundred and fourteen, and that the said sum of three thousand dollars be, and the same is hereby, appropriated, for the purpose aforesaid, out of any moneys in the treasury not otherwise appropriated.

APPROVED, May 4, 1824.

3000 dollars to be distributed as prize money to Lieutenant Francis H. Gregory, &c. for the capture and destruction of a British gun-boat, in June, 1814.

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STATUTE I.

May 13, 1824.

CHAP. LXV.—*An Act declaring the consent of Congress to certain acts of the state of Alabama.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the consent of Congress be, and hereby is, granted to the operation of an act of the general assembly of the state of Alabama, passed on the thirtieth of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Coosa river, and to aid in its connection with the Tennessee waters;" and, also, to an act, passed on the thirty-first of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Tennessee river."

APPROVED, May 13, 1824.

Consent of Congress given to the acts of the general assembly of Alabama, of the 30th and 31st Dec., 1823.

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STATUTE I.

May 13, 1824.

CHAP. LXVI.—*An Act altering the times of holding the courts in the District of Columbia. (a)*

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

Session of the circuit court

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(a) An act concerning the orphans' court of Alexandria county, in the District of Columbia, May 19, 1828, ch. 59.

An act to establish a criminal court in the District of Columbia, July 7, 1838, ch. 192.

of the District of Columbia.

Washington county, in the District of Columbia, shall hereafter commence and be held on the third Monday of December, and first Monday of May, in each year, instead of the days now fixed by law; and the circuit court for Alexandria county, in said district, on the fourth Monday of November and the second Monday of April, instead of the days now established by law; and that all process whatsoever, now issued, or which may be issued, in the respective counties of Washington and Alexandria, in said district, returnable to the days, respectively, now fixed by law, for each of the said counties, shall be returnable, and returned, on the days prescribed by this act; and all causes, recognisances, pleas, and proceedings, civil, and criminal, returnable to, and depending before, the said courts, at the respective times of holding the same, as heretofore established, shall be returned, and continued, in the same counties respectively, in the same manner as if the said causes, recognisances, pleas, and proceedings, had been regularly returned or continued, to the said respective times appointed by this act for holding the said courts.

APPROVED, May 13, 1824.

STATUTE I.

May 13, 1824.

CHAP. LXXXVIII.—*An Act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands.*

[Obsolete.]  
Where the purchaser or holder of any of the public lands, has obtained a certificate of further credit, under the act of March 2, 1821, ch. 12, he shall be allowed to file it with the register of the land office where such land is situated.

Act of April 20, 1822, ch. 30.

Act of March 3, 1823, ch. 57.

Act of May 26, 1824, ch. 176.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, in all cases where the purchaser, or legal holder, of any certificate of purchase of any of the public lands of the United States, may have obtained a certificate of further credit under the provisions of an act, passed the second day of March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, one thousand eight hundred and twenty," or of the acts supplementary thereto, of the twentieth of April, one thousand eight hundred and twenty-two, and of the third of March, one thousand eight hundred and twenty-three, the person obtaining such certificate, or the legal holder thereof, shall be allowed, at any time prior to the tenth of April, one thousand eight hundred and twenty-five, to file, with the register of the land office, in the district where such land is situated, a relinquishment, in writing, of any section, half section, quarter section, or legal subdivision of a fractional section, made according to the provisions of the existing laws, in relation to the survey and sale of the public lands; and any payment made, on any tract of land, so relinquished, shall be applied to the payment of the amount due on any tract retained by said purchaser, or legal holder of a certificate of purchase; which relinquishment shall be allowed only on condition that any such purchaser, or legal holder of a certificate of purchase; relinquish a sufficient quantity of land thereby to complete his or her payments due to the United States, on any lands retained, or pay the balance due, and which may afterwards become due, in money, before or at the time of such relinquishment; and on the payment of such balance in money, there shall be allowed, on the amount so paid, a deduction at the rate of thirty-seven and a half per centum: *Provided*, That nothing herein contained, shall entitle the person making such relinquishment to claim any repayment from the United States, on account of any lands so relinquished: *And provided further*, That nothing herein contained shall authorize any discounts upon payments made by relinquishment.

Proviso.

Proviso.

A deduction to be made on complete payments.

SEC. 2. *And be it further enacted*, That all purchasers, or legal holders of any certificate of purchase, of any of the public lands of the United States, who may have obtained a certificate of further credit, under the provisions of the several acts above mentioned, on making complete payment, previous to the tenth of April, eighteen hundred and



twenty-five, of every instalment then due, and which shall afterwards become payable, shall be allowed, upon the amount so paid, a deduction, at the rate of thirty-seven and an half per centum.

SEC. 3. *And be it further enacted*, That it shall be the duty of the registers and receivers of the land offices of the United States, immediately after the tenth of April, eighteen hundred and twenty-five, to return complete lists of the lands relinquished to the United States, within their districts; and such lands shall be exposed to sale as other public lands of the United States.

Duty of the registers and receivers.

SEC. 4. *And be it further enacted*, That the register and receiver of any land office, shall be allowed double the fees given them by the act of the second of March, one thousand eight hundred and twenty-one, for like services, to be paid by the person or persons availing themselves of the provisions of this act.

Fees to be allowed them. 1821, ch. 12.

SEC. 5. *And be it further enacted*, That the provisions of this act be extended to town lots, and out-lots, reserved for that purpose, and sold by the United States on a credit.

The provisions of this act to extend to town lots, &c.

APPROVED, May 18, 1824.

STATUTE I.

CHAP. LXXXIX.—*An Act providing for the appointment of an agent for the Osage Indians, west of the state of Missouri, and territory of Arkansas, and for other purposes.*

May 18, 1824.

[Repealed.]

*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 appoint an agent for the Osage Indians west of the state of Missouri, and territory of Arkansas, who shall receive for his compensation the sum of fifteen hundred dollars, in full, and that all rations or other allowances made to him, shall be deducted from the sum hereby allowed.

An agent to be appointed to the Osage Indians west of the state of Missouri, and territory of Arkansas.

SEC. 2. *And be it further enacted*, That it shall be the duty of each Indian agent to reside and keep his agency within, or near the territory, claimed by the tribe or tribes of Indians for which he may be agent, at such place as the President of the United States may designate.

Said agents to reside near said tribe or tribes.

APPROVED, May 18, 1824.

STATUTE I.

CHAP. CXXXVI.—*An Act to amend the several acts imposing duties on imports. (a)*

May 22, 1824.

[Repealed.]

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, in lieu of the duties now imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, the following duties, that is to say:

Specific duties on goods imported.

First. On sail-duck, osnaburgs, burlaps, and ticklenbergs, a duty of fifteen per centum ad valorem.

Sail-duck.

On all manufactures of wool, or of which wool shall be a component part, except worsted stuff goods and blankets, which shall pay twenty-

(a) See notes to the acts imposing duties on imports, vol. i. 24.

Act of May 19, 1828, ch. 55. Act of July 14, 1832, ch. 227. Act of March 2, 1833, ch. 55. Act of March 2, 1833, ch. 58. Act of March 2, 1833, ch. 62. Act of June 30, 1834, ch. 131, 139. Act of March 3, 1835, ch. 42. Act of March 2, 1837, ch. 15. Act of May 31, 1838, ch. 93. Act of July 7, 1838, ch. 178. Act of March 3, 1839, ch. 82, sec. 2. Act of Sept. 11, 1841, ch. 24. Act of Aug. 30, 1842, ch. 270. Act of April 2, 1844, ch. 8. Act of June 4, 1844, ch. 39.

Under the Tariff act of 22d May, 1824, ch. 136, bombazines being goods in which wool is a component material, are liable to a duty of thirty per cent. The United States v. Edward Clarke and others, 5 Mason's C. C. R. 30.

five per centum ad valorem, a duty of thirty per centum ad valorem, until the thirtieth day of June, one thousand eight hundred and twenty-five, and after that time, a duty of thirty-three and a third per centum ad valorem: *Provided*, That, on all manufactures of wool, except flannels and baizes, the actual value of which at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem.

Cotton, &c.

Second. On all manufactures, not herein specified, of cotton, flax, or hemp, or of which either of these materials shall be a component part, and on all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem; on all other manufactures of silk, or of which silk shall be a component material, twenty per centum ad valorem:

Proviso.

*Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it; and of ten per centum, if imported, from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncoloured cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly. And all bleached or coloured cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *Provided, also*, That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first of January next ensuing.

Proviso.

Third. On wool unmanufactured, a duty of twenty per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-five; afterwards, a duty of twenty-five per centum ad valorem, until the first June, one thousand eight hundred and twenty-six; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more.

Wool unmanufactured.

Fourth. On all leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifty per centum ad valorem: *Provided*, That all leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than one dollar each, shall, with such addition, be taken and deemed to have cost one dollar each, and shall be charged with duty accordingly. (a)

Proviso.

Leghorn hats.

Proviso.

Fifth. On japanned wares of all kinds, on plated wares of all kinds, and on all manufactures, not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of these metals is a component material, a duty of twenty-five per centum ad valorem.

Japanned wares, &c.

On bolting cloths, fifteen per centum ad valorem;

Bolting cloths, &c.

On hair cloth and hair seating, thirty per centum ad valorem;

Hair cloth, &c.

On marble, and all manufactures of marble, thirty per centum ad valorem;

Marble, &c.

(a) Hats made of palmetta leaf are not hats made of straw, chip, or grass, within the act of May 22, 1824, ch. 136, and therefore pay only a duty of fifteen per centum ad valorem. The United States v. F. H. Goodwin, 4 Mason's C. C. R. 128.

On all paper hangings, forty per centum ad valorem;	Paper hangings.
On coach laces, of cotton or other material, thirty-five per centum ad valorem; on all other laces, twelve and a half per centum ad valorem;	Coach laces.
On lead, in pigs, bars, or sheets, two cents per pound;	Lead.
On leaden shot, three and one half cents per pound;	Leaden shot.
On red or white lead, dry, or ground in oil, four cents per pound;	Red or white lead.
On Brussels, Turkey, and Wilton carpets and carpeting, fifty cents per square yard;	Brussels, &c. carpets.
On all Venetian and ingrain carpets or carpeting, twenty-five cents per square yard;	Venetian, &c. carpets.
On all other kinds of carpets and carpeting, of wool, flax, hemp, or cotton, or parts of either, twenty cents per square yard;	All other kinds of carpeting.
On oil cloth carpeting, and on oil cloths, of every description, a duty of thirty per centum ad valorem;	Oil cloth carpeting, &c.
On all other carpets and carpeting, mats, and floor cloths, made of tow, flags, or any other material, a duty of thirty per centum ad valorem;	All other carpets, &c.
On hemp, at the rate of thirty-five dollars per ton;	Hemp.
On tarred cables and cordage, four cents per pound;	Tarred cables.
On untarred cordage, yarns, twine, pack thread, and seines, five cents per pound;	Untarred cordage.
On cotton bagging, three cents and three fourths of a cent per square yard;	Cotton bagging.
On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds;	Iron.
On round iron, or braziers' rods, of three sixteenths to eight sixteenths of an inch diameter, inclusive; and on iron, in nail or spike rods, slit; and on iron, in sheets, and hoop iron; and on iron, slit or rolled, for band-irons, scroll iron, or casement-irons, three cents per pound;	Round iron.
On iron spikes, four cents per pound;	Iron spikes.
On iron nails, cut or wrought, five cents per pound;	Iron nails.
On tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound;	Tacks, &c.
On iron or steel wire, not exceeding number eighteen, five cents per pound; over number eighteen, nine cents per pound;	Iron or steel wire.
On square wire, used in the manufacture of stretchers for umbrellas, twelve per centum ad valorem;	Square wire.
On anvils and anchors, two cents per pound;	Anvils, &c.
On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;	Iron cables, &c.
On mill cranks and mill irons, of wrought iron, four cents per pound;	Mill cranks, &c.
On mill saws, one dollar each;	Mill saws.
On blacksmiths' hammers and sledges, two and a half cents per pound;	Blacksmiths' hammers, &c.
On muskets, one dollar and fifty cents per stand;	Muskets.
On rifles, two dollars and fifty cents each;	Rifles.
On all other fire arms, and on side arms, thirty per centum ad valorem;	All other fire arms, &c.
On cutting knives, scythes, sickles, and reaping hooks, spades and shovels, of iron or steel, thirty per centum ad valorem;	Cutting knives, &c.
On screws of iron, weighing twenty-five pounds, or upwards, thirty per centum ad valorem;	Screws of iron.
On screws of iron, for wood, called wood-screws, thirty per centum ad valorem;	
On vessels of cast iron not otherwise specified, one and a half cents per pound;	Vessels of cast iron.
On all other castings of iron, not specified, one cent per pound;	All other castings of iron.
On all vessels of copper, thirty-five per centum ad valorem;	All vessels of copper.
On quills, prepared or manufactured, twenty-five per centum ad valorem;	Qui's.

Slates, &c.	On slates and tiles, for building, twenty-five per centum ad valorem;
Black lead pencils.	On black lead pencils, forty per centum ad valorem;
Tallow candles.	On tallow candles, five cents per pound;
Sperm candles.	On spermaceti candles, eight cents per pound;
Soap.	On soap, four cents per pound;
Lard.	On lard, three cents per pound;
Wheat.	On wheat, twenty-five cents per bushel;
Oats.	On oats, ten cents per bushel;
Wheat flour.	On wheat flour, fifty cents per hundred weight;
Potatoes.	On potatoes, ten cents per bushel;
Coal.	On coal, six cents per heaped bushel;
Corks.	On corks, twelve cents per pound;
Prunelle and other shoes.	On prunelle, and other shoes or slippers of stuff or nankeen, twenty-five cents per pair;
Lace boots, &c.	On laced boots or bootees, one dollar and fifty cents per pair;
Linseed, &c. oil.	On linseed, rape-seed, and hemp-seed oil, twenty-five cents per gallon;
Castor oil, &c.	On castor oil, forty cents per gallon;
Ale, &c.	On ale, beer, and porter, imported in bottles, twenty cents per gallon; imported otherwise than in bottles, fifteen cents per gallon;
Beef, &c.	On beef and pork, two cents per pound;
Hams, &c.	On hams, and other bacon, three cents per pound;
Butter.	On butter, five cents per pound;
Vinegar.	On vinegar, eight cents per gallon;
Alum.	On alum, two dollars and fifty cents per hundred weight;
Refined salt-petre.	On refined saltpetre, three cents per pound;
Blue vitriol.	On blue or Roman vitriol, four cents per pound;
Oil of vitriol.	On oil of vitriol, three cents per pound;
Glauber salts.	On Glauber salts, two cents per pound;
Epsom salts.	On Epsom salts, four cents per pound;
Camphor.	On camphor, crude, eight cents per pound;
Refined camphor.	On camphor, refined, twelve cents per pound;
Copperas.	On copperas, two dollars per hundred weight;
Cayenne pepper.	On Cayenne pepper, fifteen cents per pound;
Ginger.	On ginger, two cents per pound;
Chocolate.	On chocolate, four cents per pound;
Currants, &c.	On currants and figs, three cents per pound;
Plums, &c.	On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound;
All other raisins.	On all other raisins, three cents per pound;
Window glass.	On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size, three dollars and fifty cents per hundred square feet; and if above ten inches by twelve inches in size, four dollars per hundred square feet: <i>Provided</i> , That all window glass imported in plates, uncut, shall be chargeable with the highest rate of duties hereby imposed.
Proviso.	
Black glass bottles.	On black glass bottles, not exceeding the capacity of one quart, two dollars per groce; on bottles exceeding one quart, and not more than two quarts, two dollars and fifty cents per groce; over two quarts, and not exceeding one gallon, three dollars per groce;
Demijohns.	On demijohns, twenty-five cents each;
Apothecaries' vials.	On apothecaries' vials, of the capacity of four ounces, and less, one dollar per groce; on the same, above four ounces, and not exceeding eight ounces, one dollar and twenty-five cents per groce;
All wares of glass.	On all wares of cut glass, not specified, three cents per pound, and in addition thereto, an ad valorem duty of thirty per centum;
All other articles of glass.	On all other articles of glass, two cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum;
Books.	On all books, which the importer shall make it satisfactorily appear to the collector of the port at which the same shall be entered, were printed

previous to the year one thousand seven hundred and seventy-five; and, also, on all books printed in other languages than English, four cents per volume, except books printed in Latin or Greek; on all books printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound;

On all other books, when bound, thirty cents per pound; when in sheets or boards, twenty-six cents per pound;

On folio and quarto post paper, of all kinds, twenty cents per pound;

On foolscap and all drawing and writing paper, seventeen cents per pound;

On printing, copperplate, and stainers' paper, ten cents per pound;

On sheathing paper, binders, and box boards, and wrapping paper, of all kinds, three cents per pound;

On all other paper, fifteen cents per pound;

A duty of twelve and a half per centum ad valorem on all articles not herein specified, and now paying a duty of seven and a half per centum ad valorem; with the exception of patent adhesive felt, for covering ship's bottoms, which shall be admitted free of duty until June thirtieth, one thousand eight hundred and twenty-six.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said respective times for the commencement of the duties hereby imposed, shall be imported in ships or vessels, not of the United States; *Provided*, That this addition shall not be applied to articles imported in ships or vessels, not of the United States, entitled by treaty, or by any act of Congress, to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

SEC. 3. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the provisions and restrictions, prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That the drawback allowed by law on plain silk cloths, shall be allowed, although the said cloths, before the exportation thereof, shall have been coloured, printed, stained, dyed, stamped, or painted, in the United States. But, whenever any such cloths, so imported, shall be intended to be so coloured, printed, stained, dyed, stamped, or painted, and afterwards to be exported from the United States, with privilege of drawback, each package thereof, shall, before the same shall be delivered from the public stores, be opened and examined by an inspector of the customs, and the contents thereof measured or weighed, and the quality thereof ascertained, and a sample of each piece thereof reserved at the custom-house; and a particular account or registry of such examination, describing the number of pieces in each package, their weight or measure, and the samples thereof reserved, shall be entered in the books of the custom-house; and, after such examination, said goods shall be re-packed in the original package, and the said original package shall be marked with a custom-house mark. And whenever any such goods, being thus coloured, printed, stained, dyed, stamped, or painted, shall be entered at the custom-house for exportation and drawback, the same shall be so entered in the original package, marked as aforesaid, and not otherwise, unless the person, so entering the same, shall give satisfactory evidence to the collector or naval officer, or one of them, that such original package has been lost or destroyed by accident; and no such application for drawback shall be made, except on the contents of entire packages; and upon application for such entry

Books, when bound.

Folio and quarto post paper.

Foolscap, &c.

paper.

Printing, &c. paper.

Sheathing paper, &c.

All other paper.

12½ cents on all articles not herein specified.

An addition of ten per centum to be made to the several rates of duties herein imposed. Proviso.

A drawback of the duties imposed by this act, to be allowed, &c.

April 27, 1816, ch. 107.

Drawback allowed on coloured, &c. silk cloths, &c.

and drawback, the contents of the packages so offered, shall be examined by an inspector of the customs, and measured or weighed, and compared with the original entry, registry, and samples; and if, upon such comparison and full examination, the collector shall be satisfied that the contents of each package are the same identical goods imported and registered as aforesaid, and not changed or altered, except by being coloured, printed, stained, dyed, stamped, or painted, as aforesaid, then the person, so entering such goods, shall be admitted to the oath prescribed by law, to be used in cases of application for exportation of goods for the benefit of drawback, and shall, thereupon, be entitled to drawback, as in other cases; *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of goods for exportation, with the benefit of drawback. And if any person shall present, for exportation and drawback, any coloured, printed, stained, dyed, stamped, or painted, silk cloths, knowing the same not to be entitled to drawback, according to the provisions of this act, or shall wilfully misrepresent or conceal the contents or quality of any package as aforesaid, the said goods, so presented or entered for drawback, shall be forfeited, and may be seized by the collector, and proceeded with, and the forfeiture distributed, as in other cases.

**Proviso.**

The existing laws to be in force.

The provisions of the second section of the act of April 27, 1816, ch. 107, extended to the benefit of colleges, &c. in the United States.

SEC. 5. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in, and re-enacted by, this act.

SEC. 6. *And be it further enacted*, That the provisions of the second section of the act of Congress, entitled "An act to regulate the duties on imports and tonnage," approved April twenty-seventh, one thousand eight hundred and sixteen, shall extend and enure to the benefit of schools and colleges within the United States, or the territories thereof, in the same manner, and under the like limitations and restrictions, as is provided in said act, with respect to seminaries of learning.

APPROVED, May 22, 1824.

**STATUTE I.**

May 24, 1824.

CHAP. CXXXVII.—*An Act providing for a grant of land for the seat of government in the territory of Florida, [Florida] and for other purposes.*

One quarter section of land granted to the territory of Florida for the seat of government.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be, and hereby is, granted to the territory of Florida, one entire quarter section of land, or fractional section, not exceeding in quantity one quarter section, for the seat of government in that territory, to be located previously to the sale of the adjacent lands, under the authority of the governor thereof, at the point selected for the permanent seat of government for said territory.

The governor, &c. to adopt such measures for the sale of said land, as they may deem expedient.

SEC. 2. *And be it further enacted*, That the governor and legislative council of the territory aforesaid, or a majority thereof, be, and they are hereby, authorized to adopt such measures as to them may seem expedient for the sale of said tract of land, or any part thereof, for the purpose of raising a fund for the erection of public buildings at said seat of government.

Three entire quarter sections to be reserved for the United States.

SEC. 3. *And be it further enacted*, That there shall be, and hereby are, reserved from sale, three entire quarter sections of lands of the United States, lying contiguous to, and adjoining, the quarter section granted by the first section of this act, to be located by the governor of said territory.

SEC. 4. *And be it further enacted*, That so much of the seventh section of the act of Congress, of the third of March, one thousand eight hundred and twenty-three, entitled "An act amending and supplementary to the act, entitled 'An act to provide for the survey and disposal of the public lands in Florida,'" as prevents the appointment of a surveyor for Florida, until the commissioners shall have decided and reported on the private claims in said territory, be, and the same is hereby, repealed; and the eastern and western land districts in said territory shall be divided and separated by the Suwaney river, and not by the ancient line of division between the provinces of East and West Florida, as prescribed by the eighth section of the act aforesaid.

APPROVED, May 24, 1824.

Part of the 7th section of the act of March 3, 1823, ch. 29, repealed.

STATUTE I.

May 24, 1824.

CHAP. CXXXVIII.—*An Act supplementary to an act, approved on the third day of March, one thousand eight hundred and nineteen, entitled "An act providing for the correction of errors in making entries of land at the land offices."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That where any mistake, in relation to the correct numbers of any tract of land, not exceeding in quantity one half section, may have been heretofore made by any purchaser of the public lands of the United States at private sale, and where one or more payments shall have been made by the person making the entry, on any tract entered by mistake, and where such payment has not been forfeited, previously to the passing of this act, for a failure to complete the payments on such tract; and where the purchaser or purchasers may not, in relation to said tract, have in any way taken advantage of the provisions of the act of the second of March, eighteen hundred and twenty-one, entitled "An act for the relief of the purchasers of the public lands prior to the first day of July, eighteen hundred and twenty," or of the act supplementary thereto, or the act continuing in force said supplementary act, and where the person or persons making the purchase has not, in any way, transferred his, her, or their, right to the certificate of purchase, or the tract so purchased, and where no patent shall have issued for the tract so erroneously purchased; and, also, in all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half section; and where the certificate of the original purchaser or purchasers has not been assigned, or the right of the original purchaser or purchasers in any way transferred, and where six months from the time the entry shall have been made, may not have elapsed, or the patent issued for the tract erroneously entered, the purchaser or purchasers, or, in case of his, her, or their death, the legal representatives, (not being assignees or transferees,) may, either in the cases of entry before or after the passing of this act, and in any case coming within its provisions, file his, her, or their own affidavit or affidavits, with such additional evidence as can be procured, showing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion or opinions, both as to [the] existence of the mistake, and the credibility of each person testifying thereto, to the commissioner of the general land office, who, if he be entirely satisfied [that] the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, shall be authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry: *Pro-*

Act of March 3, 1819, ch. 98.

Any mistake which has been made by the person making the entry in relation to the correct numbers of any tract of land not exceeding one half section, on satisfactory evidence being produced to the commissioner of the general land office, he shall cause the entry to be changed, &c.

Act of March 2, 1821, ch. 12.

Proviso.

*vided*, That the oath of the person or persons interested shall, in no case, be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry: *And provided, also*, That nothing herein contained shall affect the right of third persons.

**Proviso.**

All oaths under this act to be administered by the register or receiver.

The register and receiver to receive 25 cents for every hundred words of the evidence transmitted to the land office.

SEC. 2. *And be it further enacted*, That either the register or receiver may administer all oaths to be made under the provisions of this act, and every person, knowingly, wilfully, and corruptly, swearing falsely, on any oath administered to him or her under the provisions of this act, shall, on indictment and conviction for such offence, before any court having competent jurisdiction to try the same, suffer the pains and penalties of wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That for every oath administered under the provisions of this act, the register and receiver shall be allowed the sum of twenty-five cents, and twenty-five cents for every hundred words of the evidence received and transmitted to the commissioner of the general land office, to be paid by the party making the application for a change of entry.

APPROVED, May 24, 1824.

**STATUTE I.**

May 24, 1824.

CHAP. CXXXIX.—*An Act to improve the navigation of the Ohio and Mississippi rivers. (a)*

The President authorized to

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

(a) *Appropriations to improve the Ohio, Missouri and Mississippi rivers:*

Toward improving the navigation of the Missouri and Ohio rivers, act of May 23, 1828, ch. 73.

For continuing to improve the navigation of the Ohio and Mississippi rivers, fifty thousand dollars, act of March 3, 1829, ch. 51.

For improving the navigation of the Mississippi and Ohio rivers, fifty thousand dollars, act of April 23, 1830, ch. 72.

For improving the navigation of the Ohio and Mississippi rivers, to be expended under the existing laws, fifty thousand dollars, act of March 2, 1831, ch. 58.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, fifty thousand dollars, July 3, 1832, ch. 153.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, fifty thousand dollars, March 2, 1833, ch. 69.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, fifty thousand dollars, Jan. 28, 1834, ch. 103.

For improving the navigation of the Ohio river below the falls, and the Missouri, and Mississippi rivers, fifty thousand dollars, March 3, 1835, ch. 25.

For improving the navigation of the Ohio and Mississippi rivers from Louisville to New Orleans, sixty thousand dollars, July 2, 1836, ch. 259.

For improving the navigation of the Ohio and Mississippi rivers, from Pittsburg to New Orleans, under the act of second of March, 1831, seventeen thousand eight hundred dollars and four cents, July 1836, ch. 259.

For continuing the improvement of the Ohio river, between the falls and Pittsburg, sixty thousand dollars, March 3, 1837, ch. 44.

For continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Louisville to New Orleans, March, 1837, ch. 44.

For continuing the work for the removal of the obstructions to the navigation of the Mississippi river, at its mouth, two hundred and ten thousand dollars, March 3, 1837, ch. 44.

For continuing the improvement of the Mississippi river, above the mouth of the Ohio, and of the Missouri river, forty thousand dollars, March 3, 1837, ch. 44.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, and to replace the steam snag-boat Archimedes, sunk in the Mississippi river, in November last, twenty-three thousand dollars, March 3, 1837, ch. 44.

For improving the Ohio river between the falls and Pittsburg, fifty thousand dollars, July 7, 1838, ch. 171.

For continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Louisville to New Orleans, seventy thousand dollars, July 7, 1838, ch. 171.

For continuing the improvement of the Mississippi river, above the mouth of the Ohio and of the Missouri river, twenty thousand dollars, July 7, 1838, ch. 171.

For the continuation of improvements on the Missouri, Mississippi, Ohio, and Arkansas rivers, one hundred and fifty thousand dollars, act of March 1, 1843, ch. 52.

For the improvement of the Ohio river, between Pittsburg and the Falls of Louisville, one hundred thousand dollars, June 11, 1844, ch. 44.

For the improvement of the Ohio river, below the falls of Louisville, and of the Mississippi, Missouri, and Arkansas rivers, one hundred and eighty thousand dollars, June 11, 1844, ch. 44.



United States be, and he is hereby, authorized to cause the navigation of the Ohio river to be improved over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river, one mile and a quarter below Flint Island; the sand bar two miles above French Island; the bar just below Henderson; the bar below Straight Island; the bar below Willow Island, in the Mississippi bend; and the bar opposite to lower Smithland, below Cumberland Island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: *Provided, nevertheless,* That two experiments shall first be made upon two of the said bars, and if in his judgment they shall be successful, then, and not otherwise, he is hereby authorized to cause improvements to be made upon the remaining bars.

cause the navigation of the Ohio river to be improved.

Proviso.

SEC. 2. *And be it further enacted,* That, for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New Orleans, and of the Ohio river from Pittsburg to its junction with the Mississippi, the President of the United States is hereby authorized to take prompt and effectual measures for the removal of all trees which may be fixed in the bed of said river; and, for this purpose, he is authorized to procure and provide, in that way which in his discretion may be most eligible, the requisite water craft, machinery, implements, and force, to raise all such trees, commonly called "planters, sawyers, or snags," as may be found in the current of the said rivers at the lowest stage of water, and to saw or cut them off, as near as practicable to the bottom of the stream; and where trees are found upon sand bars, upon the points of islands, or near the bank of the river, which may, at the lowest stage of the water, endanger the safety of navigating said rivers, they shall in like manner be cut, removed, or sawed off; and all roots or limbs, belonging to those parts of said trees, which are fastened in the earth, shall be carefully cut away.

The President of the United States to take effectual measures to render the navigation of the Mississippi and Ohio safe.

SEC. 3. *And be it further enacted,* That, for the purpose of carrying into effect the provisions of this act, the sum of seventy-five thousand dollars be, and is hereby, appropriated. And the President of the United States is hereby authorized to draw, from time to time, on the treasury, for such parts, or at any one time for the whole, of said sum, as he shall judge the service requires; which said sum shall be paid out of any money in the treasury not otherwise appropriated.

75,000 dollars appropriated.

SEC. 4. *And be it further enacted,* That the President be, and he is hereby, requested to cause to be laid before Congress, as soon as convenience will permit after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures as may, from time to time, be necessary under existing circumstances.

The President to lay before Congress at the commencement of each session a statement of the proceedings.

APPROVED, May 24, 1824.

STATUTE I.

CHAP. CXL.—*An Act to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the commissioners under the treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen.*

May 24, 1824.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, for the purpose of providing funds to discharge the awards of the commissioners under the treaty with Spain, of the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause to be issued and sold to the Bank

The Secretary of the Treasury authorized to create a stock to an amount not exceeding 5,000,000 dollars, &c.

of the United States, or others, at a sum not less than the par value thereof, certificates of stock of the United States, to any amount not exceeding the sum of five millions of dollars, and bearing an interest of not exceeding four and one half per centum per annum, from the period of the sale thereof; which stock, so created, shall be redeemable at the pleasure of the United States, at any time after the first day of January, in the year one thousand eight hundred and thirty-two. And, upon the sale of such stock, in manner aforesaid, credit or credits to the proprietors thereof, shall thereupon be entered and given on the books of the treasury, in like manner as for the present funded debt; which said credits or stock shall thereafter be transferable as other public stock of the United States.

Moneys received from the sale of certificates of said stock, to be applied to the payment of the awards under the treaty with Spain.

Proviso.

SEC. 2. *And be it further enacted*, That the moneys which may be received from the issuing and sale of the aforesaid certificates of stock, shall [be,] and the same are hereby, directed to be applied to the payment and discharge of the awards of the commissioners under the treaty with Spain, of the twenty-second day of February, in the year eighteen hundred and nineteen. *Provided, also*, That in all cases where the person or persons, in whose name, or for whose benefit and interest, the aforesaid awards shall be made, shall be in debt and in arrears to the United States, the Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall only issue for the balance. (a)

Interest accruing on said stock to be paid out of the treasury.

SEC. 3. *And be it further enacted*, That a sum, equal to what will be necessary to pay the interest which may accrue on the said stock, to the end of the present year, be, and the same is hereby, appropriated for that purpose, to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED, May 24, 1824.

STATUTE I.

May 24, 1824.

CHAP. CXLI.—*An Act changing the mode of surveying the public lands, on any river, lake, bayou, or water-course.*

Course to be pursued in surveying lands.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water-course, would promote the public interest, he may direct the surveyor general, in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the President may prescribe, to cause the lands thus situated, to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land, so surveyed, shall be offered for sale entire, instead of in half-quarter sections, and in the usual manner, and on the same terms, in all respects, as the other public lands of the United States.

APPROVED, May 24, 1824.

STATUTE I.

May 25, 1824.

CHAP. CXLV.—*An Act to alter the times of holding the circuit and district courts of the United States for the district of South Carolina.* (b)

The times for holding the cir-

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That instead of the times now

(a) If, under the act of May 24, 1824, ch. 140, sec. 2, the Secretary of the Treasury omit to retain the amount of debt due to the United States from a person entitled by an award under the Spanish treaty, from money provided for the payment of such award, it does not prejudice the United States to proceed for payment of such debts against the general assignee, who has received the money from the treasury. *The United States v. William Hunter*, 5 Mason, C. C. R. 62.

(b) Circuit and district courts in South Carolina.

Act of September 24, 1789, (obsolete,) ch. 20, sec. 3.

An act to alter the times for holding the circuit courts of the United States, in the district of South

established by law, the circuit court for the district of South Carolina, shall, annually, be holden as follows, to wit: at Charleston on the second Tuesday of April, and at Columbia on the third Tuesday of November.

SEC. 2. *And be it further enacted*, That all suits, actions, writs, processes, and other proceedings, which now are pending in said circuit court, or which now are, or may hereafter be, commenced for, or returnable to the said circuit court, at the times and places heretofore established, shall be returnable to, heard, tried, and determined, in the said circuit court, at the times and places hereby respectively established for the holding thereof.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, the times of holding the district court of the United States at Laurens Courthouse, South Carolina, shall be so altered that the said court shall hereafter convene on the Tuesday next ensuing, after the adjournment of the circuit court of the United States at Columbia.

APPROVED, May 25, 1824.

cuit court for the district of South Carolina, to be changed.

All suits to be proceeded with as before.

The times of holding the district courts at Laurens Courthouse, to be altered.

#### STATUTE I.

May 25, 1824.

CHAP. CXLVI.—*An Act to enable the President to hold treaties with certain Indian tribes, 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 sum of ten thousand dollars be, and the same hereby is, appropriated, to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi: and that the said sum shall be paid out of any money in the treasury not otherwise appropriated.

Appropriation for making treaties with the Indians beyond the Mississippi.

SEC. 2. *And be it further enacted*, That, for the purpose of negotiating said treaties, on the part of the United States, the President shall be, and he hereby is, authorized to appoint suitable persons for commissioners, and to fix their compensation, so as not to exceed what has been heretofore allowed for like services.

Commissioners to be appointed.

SEC. 3. *And be it further enacted*, That the President shall be, and hereby is, authorized to appoint two sub-agents to be employed among the Indian tribes, on the waters of the Upper Missouri, whose annual salary shall be eight hundred dollars each, to be paid out of any money in the treasury not otherwise appropriated.

Two sub-agents to be employed.

SEC. 4. *And be it further enacted*, That it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places.

Indian agents to designate convenient places for carrying on trade.

SEC. 5. *And be it further enacted*, That the superintendent of Indian affairs at St. Louis, and his successors in office, shall possess all the pow-

The power vested in the superintendent

Carolina, and Georgia, and providing that the district court of Pennsylvania shall, in future, be held at the city of Philadelphia, (obsolete,) August 11, 1790, ch. 42.

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

An act to amend the judicial system of the United States, April 29, 1802, ch. 31.

An act for the more convenient arrangement of the times and places of holding the circuit courts of the United States, for the districts of South Carolina and Georgia, April 24, 1816, ch. 74.

An act to divide the state of South Carolina into two judicial districts, Feb. 21, 1823, ch. 11.

An act to alter the times of holding the circuit and district courts of the United States, for the district of South Carolina, May 25, 1824, ch. 145.

An act to amend an act, entitled "An act to alter the times of holding the circuit and district courts for the district of South Carolina," March 3, 1825, ch. 79.

An act for altering the time of holding the session of the Supreme Court of the United States, and of the sessions of the circuit court of the United States, for the districts of South Carolina and Georgia, May 4, 1826, ch. 37.

An act to alter the times for holding the sixth circuit court of the United States, for the district of South Carolina, Feb. 5, 1829, ch. 19.

An act to change the times of holding the federal courts in Kentucky, North Carolina, South Carolina, Georgia, Alabama, and Louisiana, March 1, 1845, ch. 39.

of Indian affairs  
at St. Louis.

10,000 dollars  
appropriated for  
a military es-  
cort.

ers, and be subject to all the duties of governors of territories, when exercising the office of superintendents of Indian affairs, and shall exercise a general supervision of the official conduct and accounts of Indian agents within his superintendency.

SEC. 6. *And be it further enacted*, That the sum of ten thousand 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 furnish a competent military escort to the commissioners authorized to be appointed by this act, if, in his opinion, the same shall be necessary.

APPROVED, May 25, 1824.

STATUTE I.

May 26, 1824.

[Obsolete.]

Further ap-  
propriations for  
the military ser-  
vice.

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

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the following sums be, and the same are hereby, appropriated, to wit:

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

For pay of the sub-agents, as allowed by law, thirteen thousand one hundred dollars:

1802, ch. 13.

For presents to Indians, as authorized by act of one thousand eight hundred and two, ten thousand dollars:

For contingent expenses, ninety-five thousand dollars:

March 3, 1823,  
ch. 71.

For making the surveys, compensation to the commissioners, and other incidental expenses, under the act "for establishing a national armory on the western waters," in addition to the sum heretofore appropriated by the said act, four thousand one hundred and thirty-five dollars:

For the quartermaster's department, fuel, stationery, and contingencies of the military academy, eleven thousand five hundred dollars:

Compensation  
to two clerks in  
the second au-  
ditor's office,  
1818, ch. 87.

For the salaries of two clerks in the second auditor's office, as authorized by the act of the twentieth April, one thousand eight hundred and eighteen, and not included in the letter of the Secretary of the Treasury, of the ninth of January, transmitting the annual estimates of appropriations for the present year, two thousand eight hundred dollars:

20,525 dollars  
and 70 cents ap-  
propriated.  
1822, ch. 89.

SEC. 2. *And be it further enacted*, That the sum of twenty thousand five hundred and twenty-five dollars and seventy cents, in addition to the unexpended balance of the appropriation of the act of the seventh of May, one thousand eight hundred and twenty-two, of twenty-nine thousand four hundred and twenty-four dollars and thirty cents, be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the President of the United States to take the necessary measures for the extinguishment of the title of the Creek Indians to the land now occupied by them, lying within the limits of the state of Georgia.

To be paid  
out of the trea-  
sury.  
Proviso.

SEC. 3. *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 with this act, it shall be the

Proviso.

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, May 26, 1824.

STATUTE I.

CHAP. CL.—*An Act appropriating a sum of money to Benjamin Huffman, of the state of Indiana.*

May 26, 1824.

*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 pay to Benjamin Huffman the sum of five hundred dollars, to enable him to regain his son, Peter Hoffman [Huffman] who was taken a captive by hostile Indians during the late war: *Provided,* That the said Benjamin Huffman shall previously give bond with sufficient security, to be approved of by the Secretary of the Treasury, conditioned upon the said Huffman's rendering to the proper accounting officers of the Treasury Department, correct accounts of his expenditure of the whole or any part of the said sum of money for the sole purpose of regaining the possession of his son aforesaid; and that the said Huffman shall pay any balance that may remain in his hands after the expenditure provided for as aforesaid, into the treasury of the United States.

500 dollars to be paid Benjamin Huffman.

Proviso.

SEC. 2. *And be it further enacted,* That the aforesaid sum shall be paid out of any money in the treasury not otherwise appropriated.

To be paid out of the treasury.

APPROVED, May 26, 1824.

STATUTE I.

CHAP. CLL.—*An Act making appropriations to carry into effect certain Indian treaties.*

May 26, 1824.

*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, that is to say:

Specific appropriations for carrying into effect certain Indian treaties.

For carrying into effect so much of the fourth article of the treaty of the eighth January, eighteen hundred and twenty-one, between the United States and the Creek nation, as relates to the compensation due to the citizens of Georgia, by the Creek nation, the appropriation heretofore made for that object being exhausted, the sum of twenty-three thousand dollars.

For the payment of the annuity to the Creek nation, as provided for by the same article of said treaty, the sum of sixteen thousand dollars annually, for five years, and the sum of ten thousand dollars, annually, for six years thereafter.

For implements of husbandry and stock of cattle and hogs, agreeably to the stipulation contained in the third article of the treaty with the Florida Indians, of the eighteenth September, eighteen hundred and twenty-three, the sum of six thousand dollars.

For the payment of the annuity to the Florida Indians, as provided for by the third article of said treaty, the sum of five thousand dollars, annually, for twenty years.

For the expense of rations to be furnished to said Indians, agreeably to the fifth article of said treaty, the sum of sixty-five thousand seven hundred dollars.

For compensation for improvements that may be abandoned by said

Indians, as provided for by the fifth article of said treaty, the sum of four thousand five hundred dollars.

For transportation of the different tribes to the land assigned them by the said treaty, as provided for by the fifth article of the same, the sum of two thousand dollars.

For the establishment of a school, and the support of a gunsmith for said Indians, as provided for by the sixth article of said treaty, the sum of two thousand dollars, annually, for twenty years.

For running the line of the land assigned to said Indians, as provided for [in] the seventh article of said treaty, the sum of five thousand dollars.

To be paid out of the treasury.

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

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLII.—*An Act to allow the bounty to vessels employed in the cod fisheries, in certain cases.*

Act of March 3, 1819, ch. 89.

Any vessel licensed for the cod fishery, which may be wrecked, upon satisfactory proof shall be allowed the same as if no accident had happened.

The first section of this act to be extended to vessels, which, having completed their fishing terms, were wrecked subsequent to the act of March 3, 1819, ch. 89.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any vessel which shall be licensed according to law, for the cod fishery, and which shall have completed her fishing term, according to the provisions of law, and thereby become entitled to the allowance of bounty, shall in returning to any port within the United States, be wrecked or lost, the owner or owners, and crew of such vessel, shall, on satisfactory proof being made to the comptroller of the treasury, of the wreck, or loss of such vessel, be entitled to the same bounty as would have been allowed, had such vessel returned to port.

SEC. 2. *And be it further enacted*, That any vessel which shall have completed her fishing term, subsequent to the act, entitled "An act in addition to, and alteration of, an act, entitled 'An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowance to certain vessels, employed in the fisheries,'" passed the third of March, one thousand eight hundred and nineteen, and which shall, in returning to any port in the United States, have been wrecked or lost, the owner or owners, and crew of such fishing vessel, shall have extended to them the provisions of the first section of this act.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

[Obsolete.] 20,000 dollars appropriated for deepening the channel leading into the harbour of Presque Isle; and 20,000 to repair Plymouth beach, Massachusetts.

CHAP. CLIII.—*An Act making appropriations for deepening the channel leading into the harbour of Presque Isle, and for repairing Plymouth Beach.*

*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, out of any moneys in the treasury not otherwise appropriated, and placed at the disposition of the President of the United States, for the purpose of accomplishing the objects hereinafter mentioned, to wit: the sum of twenty thousand dollars, for making or deepening the channel, leading into the harbour of Presque Isle, in the state of Pennsylvania; and the sum of twenty thousand dollars, to repair Plymouth Beach, in the state of Massachusetts, and thereby prevent the harbour, at that place, from being destroyed.

APPROVED, May 26, 1824.

CHAP. CLIV.—*An Act concerning pre-emption rights in the territory of Arkansas. (a)*

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That every person, and the legal representative of every person, who was entitled to the right of pre-emption, in the territory of Arkansas, under the provisions of the act of Congress of the 12th of April, one thousand eight hundred and fourteen, entitled "An act for the final adjustment of land titles in the state of Louisiana and territory of Missouri," in that tract of country north of the river Arkansas, ceded by the United States to the Cherokee nation of Indians, on the eighth day of July, one thousand eight hundred and seventeen, be, and they are hereby, authorized, in lieu thereof, and in full compensation for such right of pre-emption, to enter with the register of the land office in the district of Lawrence, in said territory, any tract within said district, on which they may have made improvements previously to the passing of this act, or any unimproved tract within said district, the sale of which is authorized by law: *Provided,* That no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sec-

Any person or his legal representative, who was entitled to the right of pre-emption in the territory of Arkansas, under the act of April 12, 1814, authorized to enter with the register of the land office in Lawrence district, any tract therein.

1814, ch. 52.

Proviso.

(a) Acts which have been passed relating to public lands in Arkansas:

An act for the final adjustment of land titles in the state of Louisiana, and territory of Missouri, April 12, 1814, ch. 52.

An act to authorize the President of the United States to appoint a receiver of the public money and register of the land office for the district of Lawrence county in the Arkansas territory, March 17, 1820, ch. 24.

An act concerning pre-emption rights in the territory of Arkansas, May 26, 1824, ch. 154.

An act enabling the claimants to land within the limits of the state of Missouri and territory of Arkansas to institute proceedings to try the validity of their titles, May 26, 1824, ch. 173.

An act to continue in force for a limited time, and to amend an act entitled "An act to enable claimants to land within the limits of the state of Missouri and territory of Arkansas to institute proceedings to try the validity of their titles, May 24, 1828, ch. 90.

An act restricting the location of certain land claims in the territory of Arkansas, and for other purposes, Jan. 6, 1829, ch. 2.

An act to preserve from injury and waste the school lands in the territory of Arkansas, Jan. 6, 1829, ch. 3.

An act to extend the time for locating certain donations in Arkansas, expired Jan. 13, 1830, ch. 3.

An act further to extend the powers of the judges of the superior court of the territory of Arkansas, under the act of the 26 May, 1824, and for other purposes, May 8, 1830, ch. 90.

An act to authorize the selection of certain school lands in the territory of Arkansas, May 29, 1830, ch. 180.

An act to provide for surveying certain lands in the territory of Arkansas, May 29, 1830, ch. 182.

An act to extend the time for entering certain donation claims to land in the territory of Arkansas, Jan. 27, 1831, ch. 11.

An act further to extend the time for entering certain donation claims to land in the territory of Arkansas, Feb. 20, 1833, ch. 43.

An act providing for the postponement of the trial of certain cases now pending in the superior court of Arkansas territory, and for withholding from sale or entry, certain lands in said territory, April 20, 1832, ch. 72.

An act to confirm certain claims to land in the territory of Arkansas, June, 25, 1832, ch. 148.

An act to settle the titles to certain tracts of land in the state of Arkansas, Aug. 4, 1842, ch. 128.

An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen, March 1, 1843, ch. 50.

Decisions of the Supreme Court, on land titles in Arkansas.

Under the provision of the act of Congress, passed on the 26th of May, 1824, proceedings were instituted in the superior court of the territory of Arkansas, by which a confirmation was claimed of a grant of land alleged to have been made to the petitioner, Sampeyreac, by the Spanish government, prior to the cession of Louisiana to the United States by the treaty of April 3d, 1803. This claim was opposed by the district attorney of the United States; and the court after hearing evidence, decreed that the petitioner recover the land from the United States. Afterwards, the district attorney of the United States, proceeding on the authority of the act of May 8th, 1830, filed a bill of review, founded on the allegation, that the original decree was obtained by fraud and surprise, that the documents produced in support of the claim of Sampeyreac were forged, and that the witnesses who had been examined to sustain the same were perjured. At a subsequent term Stewart was allowed to become a defendant to the bill of review, and filed an answer, in which the fraud and forgery are denied, and in which he asserts, that if the same were committed, he is ignorant thereof; and asserts that he is bona fide purchaser of the land for a valuable consideration, from one John J. Rowie, who conveyed to him the claim of Sampeyreac by deed, dated about the 22d October, 1828. On a final hearing, the court, being satisfied of the forgery, perjury, and fraud, reversed the original decree. Held, that these proceedings were legal, and were authorized by the act of the 8th of May, 1830. *Sampeyreac v. The United States*, 7 Peters, 222.

tional and divisional lines run, or to be run, under the direction of the surveyor of the United States' lands for the states of Missouri and Illinois, and territory of Arkansas.

Every person claiming a preference in becoming a purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the register of the land office for said district.

The register to file such notice.

SEC. 2. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the register of the land office for said district, stating therein that he was entitled to a pre-emption right, under the aforesaid act of Congress, in that part of the territory of Arkansas ceded as aforesaid, and also particularly designating therein the quarter section he is desirous to enter, which notice the register shall file in his office; and, in every case where it shall be proved, to the satisfaction of the register and receiver of public moneys of the land office aforesaid, that any person who has delivered such notice was entitled to a pre-emption right under said act of Congress, in that part of the territory of Arkansas ceded as aforesaid, shall have a right to enter with the register of said land office, at the minimum price for which United States' lands are sold, the tract of land designated in said notice, on producing his receipt from the receiver of public moneys for the purchase money of said tract, as in case of other public lands sold at private sale; and, as a compensation for their services, the register and receiver shall, each, be entitled to one dollar in every such case, to be paid by the claimant of such pre-emption right: *Provided*, That every such entry and payment shall be made at least two weeks previous to the time of offering the adjacent lands at public sale, unless the same be entered in such part of said district as shall have been offered at public sale at the time of the passage of this act; in which case, such entry shall be made within two years from the passage thereof.

Proviso.

APPROVED, May 26, 1824.

#### STATUTE I.

May 26, 1824.

CHAP. CLV.—*An Act to fix the western boundary line of the territory of Arkansas, and for other purposes. (a)*

Course of the western boundary line of the territory of Arkansas.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the western boundary line of the territory of Arkansas shall begin at a point forty miles west of the south-west corner of the state of Missouri, and run south to the right bank of the Red River, and thence, down the river, and with the Mexican boundary, to the line of the state of Louisiana, any law heretofore made, to the contrary notwithstanding.

2,000 dollars appropriated.

SEC. 2. *And be it further enacted*, That the sum of two thousand dollars, to defray the expense of running and marking said boundary line, to be expended under the directions of the President of the United States, be, and the same hereby is, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

The unexpended appropriation of 65,000 dollars, of March 3, 1821, ch. 35, to be expended agreeably to said act.

SEC. 3. *And be it further enacted*, That so much of the appropriation of sixty-five thousand dollars, made by the act of the 3d of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth of October, eighteen hundred and twenty, with the Chactaw [Choctaw] Indians, as remains unexpended, shall, under the direction of the President of the United States, be employed for the purposes mentioned in the said act of 3d of March, eighteen hundred and twenty-one, any law to the contrary notwithstanding.

10,000 dollars appropriated.

SEC. 4. *And be it further enacted*, That the sum of ten thousand dollars to be paid out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated, to defray the expenses of treat-

(a) See notes to act of March 2, 1819, ch. 49.



ing with the Chactaw [Choctaw] Indians, to obtain a modification of the treaty of October eighteenth, one thousand eight hundred and twenty.

APPROVED, May 26, 1824.

STATUTE I.

CHAP. CLVI.—*An Act making an appropriation towards the extinguishment of the Quaupau title to lands in the territory of Arkansas.*

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a sum not exceeding seven thousand five hundred 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 negotiate a treaty with the Quaupau Indians, for the extinguishment of their title to lands in the territory of Arkansas.

7500 dollars appropriated to negotiate a treaty with the Quaupau Indians.

APPROVED, May 26, 1824.

STATUTE I.

CHAP. CLVII.—*An Act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons in the several departments.*

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall be lawful for the respective departments, hereinafter mentioned, to employ the following clerks, in addition to those authorized by existing laws, that is to say:

Clerks to be employed in the following offices.

In the Treasury Department, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum:

Clerk in Treasury Department.

In the office of the treasurer, one clerk, whose salary shall not exceed the sum of eight hundred dollars, and one assistant to the chief clerk, whose salary shall not exceed the sum of four hundred dollars per annum:

Clerks in treasurer's office.

In the office of the fifth auditor, one clerk, whose salary shall not exceed one thousand four hundred dollars, and two clerks, whose salaries, respectively, shall not exceed one thousand one hundred and fifty dollars.

Clerks in 5th auditor's office.

In the Navy Department, one clerk, whose salary shall not exceed one thousand dollars:

Clerk in navy department.

In the office of the navy commissioners, three clerks, and one draughtsman, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum:

Three clerks and draughtsman in navy commissioners' office.

In the office of the Postmaster General, four clerks, whose salaries, respectively, shall not exceed the sum of one thousand dollars; and two clerks, whose salaries, respectively, shall not exceed the sum of eight hundred dollars per annum;

Clerks in general post-office.

In the office of the commissary general of subsistence, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum:

Clerks in commissary general's office.

In the engineer department, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum:

Clerks in engineer department.

In the office of the surgeon general, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum:

Clerk in surgeon general's office.

In the office of the commissary general of purchases, three clerks, whose salaries, together, shall not exceed the sum of three thousand five hundred dollars per annum:

Clerks in office of the commissary general of purchases.

SEC. 2. *And be it further enacted,* That it shall be lawful for the

Messengers, &c. to be employed.

Messenger and assistant, Department of State.

Machinist and messenger in the patent office.

Messenger and assistant in treasury department.

Messenger and assistant in first comptroller's office.

Messenger in second comptroller's office.

Messenger in first auditor's office.

Messenger in 2d auditor's office.

Messenger and assistant in third auditor's office.

Messenger in fourth auditor's office.

Messenger in fifth auditor's office.

Messenger in treasurer's office.

Messenger &c. general land office.

Messenger and assistant in register's office.

Messenger and assistant in war office.

Messenger in paymaster general's office.

Messenger in com. general of purchases office.

Messenger and assistant navy department.

Messenger navy com. office.

Messenger and assistant general post-office.

Messenger secretary of the Senate's office.

Clerks and messenger, office clerk of House of Representatives.

5,913 dollars and 25 cents appropriated.

officers of the departments to employ, in their respective offices, messengers, assistants, and other persons, as follows, that is to say :

In the office of the Secretary of State, one messenger, and assistant, at a compensation not exceeding one thousand and fifty dollars per annum :

In the patent office, one machinist, at a compensation not exceeding seven hundred dollars, and one messenger, at a compensation not exceeding four hundred dollars per annum :

In the office of the Secretary of the Treasury, one messenger, and assistant, whose compensation, together, shall not exceed one thousand and fifty dollars per annum :

In the office of the first comptroller, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum :

In the office of the second comptroller, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the first auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the second auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the third auditor one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum :

In the office of the fourth auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the fifth auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the treasurer, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the commissioner of the general land office, one messenger, and labourer, at a compensation, together, not exceeding eleven hundred and fifty dollars per annum :

In the office of the register of the treasury, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum :

In the office of the Secretary of War, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum :

In the office of the paymaster general, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the commissary general of purchases, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the Secretary of the Navy, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum :

In the office of the commissioners of the navy, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the postmaster general, one messenger, and assistant, at a compensation together, not exceeding one thousand and fifty dollars per annum :

In the office of the secretary of the Senate, one messenger, at a compensation not exceeding seven hundred dollars per annum :

In the office of the clerk of the House of Representatives, three clerks, at a compensation not exceeding one thousand five hundred dollars each; and one messenger, whose salary shall not exceed seven hundred dollars per annum :

SEC. 3. *And be it further enacted*, That the sum of five thousand nine hundred and thirteen dollars, and twenty-five cents is hereby appropriated for one year's compensation for one additional clerk in the

Department of the Navy, and for four additional clerks in the General Post-office, including the sum of nine hundred and thirteen dollars and twenty-five cents, due for extra clerk hire in the General Post-office during one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

APPROVED, May 26, 1824.

## STATUTE I.

CHAP. CLVIII.—*An Act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola.*

May 26, 1824.

*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 annual salaries be, and the same are hereby, allowed, to wit: To the collector of the port of entry for the district of Nantucket, in the state of Massachusetts, the sum of two hundred and fifty dollars; and to the collector of the port of entry for the district of Pensacola, in the territory of Florida, the sum of five hundred dollars.

250 dollars to be paid the collector for Nantucket, and 500 dollars to the collector for the district of Pensacola, annually.

SEC. 2. *And be it further enacted,* That, from and after the thirtieth day of June next, the office of surveyor of the port of entry for the district of Pensacola, in the territory above mentioned, be, and the same is hereby, abolished.

After the 30th June next, the office of surveyor for the district of Pensacola, to be abolished.

APPROVED, May 26, 1824.

## STATUTE I.

CHAP. CLIX.—*An Act to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other purposes.*

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the levy court of the county of Alexandria, in the District of Columbia, shall, from and after the passing of this act, have, possess, and exercise, all the powers which the county courts of Virginia possessed and exercised on the twenty-seventh day of February, one thousand eight hundred and one, in relation to the laying of the county levies; and that the marshal of the District of Columbia, shall collect and account for the levies so laid by said court, in the same manner, and at the same time, as the sheriffs of Virginia collected and accounted for the levies made by the aforesaid county courts of Virginia, on the aforesaid twenty-seventh day of February, one thousand eight hundred and one. The marshal of the district aforesaid, shall pay over the amount, so collected, to the order of the levy court aforesaid.

The levy court of the county of Alexandria to have the powers which the county courts of Virginia possessed, &c. on the 27th of February, 1801, in relation to county levies.

SEC. 2. *And be it further enacted,* That any seven justices of the peace in the county of Alexandria, aforesaid, who shall be duly qualified, shall be a quorum for the transaction of all business appertaining by law to the levy court aforesaid.

Seven justices of the peace to constitute a quorum.

SEC. 3. *And be it further enacted,* That the orphans' court of the said county of Alexandria, shall, hereafter, be held at the courthouse, in the town of Alexandria, so soon as a suitable room shall have been provided, on the public square on which said courthouse stands, for the safe-keeping of the records of said orphans' court. The said orphans' court shall hold its sessions on the first Monday in each month, and may adjourn from day to day, for the purpose of transacting the business of said court: *Provided,* That the whole number of days of the session of said court, shall not exceed four in any one month.

The orphans' court of Alexandria to hold its sessions on the first Monday of each month at the courthouse.

Proviso.

SEC. 4. *And be it further enacted,* That the register of wills for the county of Alexandria aforesaid, shall, within two months from and after the passage of this act, give bond and good security, payable to the

The register of wills to give security for the faithful perfor-

mance of the duties of his office.

United States, in the penalty of five thousand dollars; which bond shall be conditioned for the due and faithful performance of the duties of his office, as prescribed by law; which bond shall be renewed once in every five years thereafter, and shall be approved by the orphans' court; and shall be recorded among the records of the circuit court of the District of Columbia for the county aforesaid; an official copy of which bond, duly certified, shall have the force and effect of the original, in all suits brought on said bond.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLX.—*An Act further to regulate the inspection of flour in the county of Alexandria.*

Course to be pursued for the better regulation of the inspection of flour in the county of Alexandria.

Said county to be divided into two inspection districts.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, for the better regulation of the inspection of flour within the county of Alexandria, in the District of Columbia, the common council of the town of Alexandria shall be, and they are hereby, empowered and required to divide the said county and town into two inspection districts; that to each of those districts, there shall be appointed a flour inspector, in the mode now authorized by law, to perform alternate duties in the said districts; each of the said inspectors shall be liable to removal from office, at any time within the term for which he shall have been appointed by the court making the appointment; and during his continuance in office, shall enjoy the same rights, and be subject to like duties and restraints, as the present inspector of flour in the said county of Alexandria.

Power vested in the common council.

SEC. 2. *And be it further enacted,* That the said common council be, and they are hereby, empowered, to provide for a re-inspection of flour in store, whenever, in their opinion, it may require it, and to regulate the exportation and shipment thereof; to pass laws for the punishment of all persons who shall be guilty of fraud, or otherwise violate their regulations, and to alter or amend the present inspection laws, so far as may be necessary to effect that object.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLXI.—*An Act to authorize masters of vessels in certain cases, to clear out either at the custom-house of Petersburg, or that of Richmond.*

Ships or vessels owned in, or consigned to Richmond, loaded in the district of Petersburg, may be cleared out at Richmond.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That any ship or vessel, owned by, or consigned to, any person or persons in the collection district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburg, by such owner or owners, consignee or consignees, may be cleared out by the collector of the district of Richmond, on application of the owner, consignee, or captain, of such ship or vessel: *Provided,* That the entire cargo shall be bona fide taken or shipped from the district of Richmond.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLXII.—*An Act for the relief of certain distillers in the United States.*

The Secretary of the Treasury to refund to certain distillers in the United

*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 required to refund, out of any money in the treasury not otherwise appropriated, to the distillers of spiritu-

ous liquors, or their legal representatives, of any state or district within the United States, who, at any time since the first day of January, one thousand eight hundred and fourteen, have used stills made according to Henry Witmer's improvement upon Anderson's condensing tub, and who have paid a duty upon the capacity of the globes of such stills, all the moneys which such distillers may have, respectively, paid, as a duty, on the capacity of the globes of their said stills.

APPROVED, May 26, 1824.

States such sums as they have paid into the treasury.

STATUTE I.

May 26, 1824.

[Obsolete.]

CHAP. CLXIII.—*An Act to amend an act, entitled "An act to amend an act for the establishment of a territorial government in Florida, 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 judicial power of the territory of Florida shall be vested in three 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 situated to the west of the river Apalachicola, to consist of one judge; he shall hold his court on the first Mondays in May and November, in each and every year, at Pensacola, and at such other times and places as the legislative council may direct. There shall be a superior court for that part of the territory situated between the Apalachicola and Suwannee rivers, to consist of one judge; he shall hold his court on the first Mondays of April and October, in each and every year, at the seat of government in said territory, and at such other times and places as the legislative council may direct. There shall be a superior court for that part of the territory situated to the east and south of the Suwannee river, to consist of one judge: he shall hold his court on the first Monday in May and November, in each and every year, at St. Augustine, and at such other times and places as the legislative council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all capital offences, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under the laws of the territory now in force, or which may, at any time hereafter, be enacted by the legislative council, and shall have and exercise appellate jurisdiction over the inferior courts of said territory. Each judge shall appoint a clerk, who shall reside, respectively, at the place where his said court is, or may, by law, be directed to be held, and they shall keep the records there. Each clerk shall receive for his services, in all cases, arising under the laws of the territory, such fees as shall be established by the legislative council. And writs of error and appeal from the final decision of the said superior courts, authorized by this section of this act, shall be made to the appellate court of said territory, hereinafter provided for, in such manner, and under such regulations, as the legislative council may direct; and, until the legislative council shall have made such regulations, writs of error and appeal from the final decision of the said superior courts shall be made to the appellate court of the territory, in the same manner that writs of error and appeals are taken and prosecuted in the next adjoining state.

SEC. 2. *And be it further enacted,* That each of the said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and Constitution of the United States, which, by an act to establish the judicial courts of the United States, approved the twenty-fourth day of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second of March, one thousand seven hundred and ninety-three, was

Act of March 3, 1823, ch. 28.  
The judicial power of the territory of Florida to be vested in three superior courts.

Act of March 30, 1822, ch. 13.  
Act of May 15, 1826, ch. 46.

Where said courts are to be held.

Jurisdiction of each court in all criminal and capital offences.

Each judge to appoint a clerk.

Same jurisdiction to be exercised by each of said superior courts, as was vested in the court of the Kentucky district.

Act of Sept. 24, 1789, ch. 20.

(a) See notes to act of March 30, 1822, ch. 13, vol. iii, 654.

Act of March 2, 1793, ch. 22.

The first six days of each term to be appropriated to the trial of causes arising under the laws and constitution of the United States.

Records to be kept at the places where the courts are held.

Persons learned in the law to be appointed to act as attorneys, and to receive the same salary, each, as the attorney for the district of Kentucky.

A marshal to be appointed for each court.

Each judge to receive 1500 dollars per annum.

A court of appeal to be organized and composed of the judges of the superior court.

Senior judge to preside.

Court may be adjourned, by any one of its judges being present, from day to day, until a quorum be convened.

So much of the act of which this is amendatory, as requires the legislative council to commence its sessions on the first Monday in May, repealed.

vested in the court of the Kentucky district. The first six days of each term of the said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the laws and Constitution of the United States. And writs of error and appeal from the decisions in the said superior courts, authorized by this section of this act, shall be made to the appellate court of said territory, in such manner, and under such regulations, as the legislative council shall direct. The clerks, respectively, shall keep the records at the places where the courts are held, and no one clerk shall, by himself or deputy, officiate at more than one place for holding said courts: they shall receive, in all cases under the laws and Constitution of the United States, the same fees which the clerks of the district court of the next adjoining state receives [receive] for similar services.

SEC. 3. *And be it further enacted*, That there shall be appointed, for each of the said courts, a person, learned in the law, to act as attorneys of the United States, as well as for the territory, each of whom shall receive the same fees, both in civil and criminal cases, as are received by the district attorneys of the United States, of the next adjoining state, for similar services; and shall, moreover, receive, as a full compensation for all extra services, annually, the same salary, as is provided, by law, for the district attorney of the district of Kentucky, to be paid, quarterly, by the treasury of the United States. There shall, also, be appointed, for each of the said courts, a marshal, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals, in other districts are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars annually, as a compensation for 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. Each judge shall receive a salary of fifteen hundred dollars per annum, to be paid, quarterly, by the treasury of the United States.

SEC. 4. *And be it further enacted*, That there shall be organized in said territory a court of appeals, to be composed of the judges of the superior courts of said territory, any two of whom shall be a quorum, and shall hold, annually, at the seat of government of said territory, one session, commencing on the first Monday in January, in each and every year. The senior judge shall be the presiding judge of said court, and the other judges shall have precedence according to the date of their commissions, or where their commissions are of the same date, according to their respective ages. That the said court may by any one of its judges being present, be adjourned, from day to day, until a quorum be convened; and if no one of its judges be present, by the marshal of said court, until a quorum be convened; and the district attorney, marshal, and clerk, of the superior court, of the middle district, shall be officers of the said court of appeals; and writs of error and appeal from the decision of the said court 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, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

SEC. 5. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires the legislative council of said territory to commence its sessions on the first Monday in May, in each and every year, be, and the same is hereby, repealed; and the said legislative council shall, hereafter, hold a session in every year commencing on the second Monday in November, 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 at the seat of government in said territory, or at such other place or places as the governor and council may, from time to time, direct.

SEC. 6. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires that the governor of Florida shall not leave the territory without the permission of the President of the United States, be, and the same is hereby, repealed.

APPROVED, May 26, 1824.

Part of the former act repealed.  
1823, ch. 23.

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STATUTE I.

CHAP. CLXIV.—*An Act granting donations of land to certain actual settlers in the territory of Florida.*(a)

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the commissioners for ascertaining titles and claims to lands in Florida, be, and they are hereby, authorized and required, within their respective districts, and in addition to their former duties, to receive and examine all claims that may be presented to them, and the evidence in support of each of such claims, founded on habitation and cultivation of any tract of land, town, or city lot, or out-lot, by any person, being the head of a family, and twenty-one years of age, who, on the twenty-second day of February, one thousand eight hundred and nineteen, actually inhabited and cultivated such tract of land, or actually cultivated and improved such lot, or who, on that day, cultivated any tract of land in the vicinity of any town or city, having a permanent residence in such town or city, in said territory; and to grant certificates of confirmation for any tract of land thus inhabited and cultivated, or cultivated by any person of the above description, residing in any town or city in the vicinity of the tract so cultivated; which land shall be located in an entire body, as nearly as possible, in conformity to the surveys of the contiguous public lands, and so as to embrace the principal improvements then made on any tract so claimed, and shall not exceed in quantity six hundred and forty acres: And it shall also be the duty of said commissioners to receive claims to land founded on habitation and cultivation, commenced between the twenty-second of February, one thousand eight hundred and nineteen, and the seventeenth of July, one thousand eight hundred and twenty-one, when Florida was surrendered to the United States, and evidence in support of the same; and to report an abstract of all such claims to Congress, and of the claims by them confirmed, to the Secretary of the Treasury; and the claims merely reported on, shall be laid before Congress at their next session, with the evidence of the time, nature, and extent, of such inhabitation and cultivation, in each case, and the extent of the claim: *Provided*, That no claim shall be received, confirmed, or reported, to Congress, by the said commissioners, for confirmation, in favour of any person, or the legal representatives of any person, who claims any tract of land in said territory, by virtue of any written evidence of title derived from either the British or Spanish government.

APPROVED, May 26, 1824.

The commissioners for ascertaining titles to lands in Florida authorized and required to receive and examine all claims presented to them within their respective districts.

Duty of said commissioners.

Proviso.

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STATUTE I.

CHAP. CLXV.—*An Act to authorize the state of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.*

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the state of Indiana be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of a canal, by which to connect the navigation of the rivers Wabash and Miami of Lake Erie; and ninety feet

A route for a canal to be surveyed and marked, by which the navigation of the Wabash and

(a) See notes to act of May 26, 1824, ch. 154.

Miami of Lake Erie may be connected.

The reservation and grant to be void, if a canal be not completed in twelve years.

Proviso.

Proviso.

Each section of land through which said canal may pass, to be reserved from future sale.

of land, on each side of said canal, shall be reserved from sale on the part of the United States, and the use thereof, forever, be vested in the state aforesaid, for a canal, and for no other purpose whatever.

SEC. 2. *And be it further enacted*, That, if the said state shall not survey, and direct by law said canal to be opened, and furnish the commissioner of the general land office a map thereof, within three years from and after the date of this act; or, if the said canal be not completed, suitable for navigation, within twelve years thereafter; or, if said land, hereby granted, shall ever cease to be used and occupied for the purpose of constructing and keeping in repair a canal, suitable for navigation; the reservation and grant aforesaid shall be void, and of none effect: *Provided*, That nothing in this act contained, or [that] shall be done in pursuance thereof, shall be deemed to imply any obligation on the part of the United States, to appropriate money to defray the expense of surveying or opening said canal: *And provided, likewise*, That the said canal, when completed, shall be, and forever remain, a public highway, for the use of the government of the United States, free from any toll or charge whatever, for any property of the United States, or persons in their service, on public business, passing through the same.

SEC. 3. *And be it further enacted*, That every section of land through which said canal route may pass, shall be, and the same is hereby, reserved from future sale, under the direction of the commissioner of the general land office, until hereafter specially directed by law; and the said state is hereby authorized, without waste, to use any materials on the public lands adjacent to said canal, that may be necessary for its construction.

APPROVED, May 26, 1824.

#### STATUTE I.

May 26, 1824.

[Obsolete.]

The secretary of the navy authorized to have surveyed the harbours of Charleston, South Carolina, and St. Mary's in Georgia, for certain purposes.

CHAP. CLXVI.—*An Act authorizing an examination and survey of the harbour of Charleston, in South Carolina, of St. Mary's in Georgia, and of the coast of Florida, 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 Navy be, and he is hereby, authorized to cause to be made, an examination and survey of the harbours of Charleston, in South Carolina, and St. Mary's, in Georgia, in reference to the expediency of establishing a navy yard at either of those places, for the building and repairing sloops of war and other vessels of an inferior class; and, also, to cause to be made and perfected an examination and survey of the harbour of Pensacola, and the coast of Florida, in order to ascertain the expediency of establishing a naval depot at Pensacola, or at such place in the vicinity of it, as may be most advantageous to the United States; and that the sum of five thousand dollars be, and the same is hereby, appropriated, for the purposes aforesaid, out of any money in the treasury not otherwise appropriated.

APPROVED, May 26, 1824.

#### STATUTE I.

May 26, 1824.

Counties to compose a part of the western, instead of the

CHAP. CLXVII.—*An Act to alter the judicial districts of Virginia, 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 following counties in the state of Virginia shall cease to be a part of the eastern judicial dis-

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



trict of Virginia, and shall be added to, and form a part of, the western district, that is to say: the counties of Botetourt, Rockbridge, Alleghany, Bath, Pendleton, Augusta, Rockingham, Shenandoah, Frederick, Jefferson, Berkeley, Morgan, Hampshire, and Hardy: and that, in addition to the terms of the district court now holden in the western district the judge of the said western district shall hold two terms in each year, at Staunton, in the county of Augusta.

eastern judicial district of Virginia.

SEC. 2. *And be it further enacted*, That the terms of the courts in the said western district shall be held on the days and at the places hereinafter mentioned, viz: at Staunton, on the second Mondays in April and September; at Wythe Courthouse, on the third Mondays in April and September; at Lewisburg, on the fourth Mondays in April and September; and at Clarksburg, on the fourth Mondays in May and October, in each year.

Times and places fixed for the holding of the courts.

SEC. 3. *And be it further enacted*, That if the judge shall not attend on the first day of any court, such court shall stand adjourned, from day to day, for three days, if the same cause continue; after which time, if the judge still fail to attend, the court shall stand adjourned until the first day of the next term.

Courts to be adjourned should the judge not attend.

SEC. 4. *And be it further enacted*, That the judge of said court shall have power to hold special sessions, at his discretion, at either of the said places, for the trial of civil or criminal cases.

Power of the said judge.

APPROVED, May 26, 1824.

STATUTE I.

CHAP. CXLVIII.—*An Act for altering the time for holding the circuit court of the United States for the fourth circuit in the Maryland district.*(a)

May 26, 1824.

*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 of the United States for the fourth circuit in the district of Maryland, which are now directed by law to be holden on the first day of May and seventh day of November, in each year, shall be hereafter holden on the 8th days of May and December in each year, except where such days shall occur on Sunday, when the terms of the said court shall commence and be holden on the next succeeding day.

Terms of the circuit court in the district of Maryland altered.

SEC. 2. *And be it further enacted*, That the first session of the said circuit court, after the passage of this act, shall be held on the eight [eighth] day of December, in the year eighteen hundred and twenty-four.

First session to be held on December the 8th, 1824.

SEC. 3. *And be it further enacted*, That all process which may have issued, or which may hereafter issue returnable to the next succeeding terms, as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

All process which may have issued, to be held returnable to the terms appointed by this act.

APPROVED, May 26, 1824.

(a) *Acts of Congress relating to circuit courts in Maryland:*

- An act to establish the judicial courts of the United States, September 24, 1789, ch. 20, sec. 3.
- An act concerning the circuit courts of the United States, March 3, 1797, ch. 27.
- An act to amend the judicial system of the United States, April 29, 1802, ch. 31, sec. 4.
- An act for altering the time of holding the circuit court of the United States for the fourth circuit in the Maryland district, May 26, 1824, ch. 168.
- An act to alter the time of holding the circuit court of the United States, for the district of Maryland, February 11, 1830, ch. 11.
- An act supplementary to the act, entitled "An act to amend the judicial system of the United States," March 3, 1837, ch. 34, sec. 2.
- An act to change the time of holding the United States circuit court in the district of East Tennessee, and the district of Maryland, July 7, 1838, ch. 193.

## STATUTE I.

May 26, 1824.

The right of pre-emption to one quarter section of land granted to the several counties of each state and territory of the United States, where there are public lands, for certain purposes.

Proviso.  
Proviso.

Parts of other acts repealed.

CHAP. CLXIX.—*An Act granting to the counties or parishes of each state and territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same.*

*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 several counties or parishes of each state and territory of the United States, where there are public lands, 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 each of the counties or parishes, of said states and territories, in trust for said counties or parishes, respectively, for the establishment of seats of justice therein: *Provided,* The proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish 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 or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2. *And be it further enacted,* That so much of such acts, heretofore passed, granting to states rights of pre-emption, for county or parish purposes, as require said seats of justice to be continued at or near the centre of each of said counties or parishes, be, and the same is hereby, repealed.

APPROVED, May 26, 1824.

## STATUTE I.

May 26, 1824.

Certain counties to compose a part of the western, instead of the eastern judicial district of Pennsylvania.

Time and place of holding courts.

CHAP. CLXX.—*An Act to alter the judicial districts of Pennsylvania, 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 following counties in the state of Pennsylvania shall cease to be a part of the eastern judicial district of Pennsylvania, and shall be added to, and form a part of, the western district; that is to say: Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming: and that, besides the terms of the district court directed by law to be held at Pittsburg, for the western district, the judge of the said western district shall hold two terms in every year, at William's Port, in the county of Lycoming, which shall commence on the first Mondays of the months of June and October, in each and every year, beginning in October next, and be continued and adjourned from time to time, as the court may deem expedient for the despatch of the business thereof.

APPROVED, May 26, 1824.

## STATUTE I.

May 26, 1824.

Act of Feb. 17, 1818, ch. 12. Public lands to be formed into a new land district.

Act of March 3, 1823, ch. 66.  
Act of May 4, 1826, ch. 32.

CHAP. CLXXI.—*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 included in the present district of St. Louis, in the state of Missouri, as lies within the following boundaries, to wit: Beginning on the Mississippi river, between townships numbered forty-eight and forty-nine, thence west to the range line between ranges ten and eleven; thence north to the township line between townships numbered fifty-two and fifty-three; thence west to the range line between

(a) See notes to the act of May 15, 1820, ch. 111.

ranges thirteen and fourteen; thence north to the northern boundary line of the state of Missouri; thence east with the state line to the river Desmoines; thence, with the river Desmoines and the state line, to the Mississippi river; thence, with and down the Mississippi river to the place of beginning, so as to include all the islands within the limits of the state of Missouri, shall be formed into a new land district, to be called "The district of Salt river," 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 said district, as the President of the United States may designate.

SEC. 2. *And be it further enacted*, That there shall be a register and receiver appointed to said office to superintend the sales of public lands in the said district, and 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.

SEC. 3. *And be it further enacted*, 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 St. Louis, 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 proper officer or officers of the land office hereby created, in the same manner, and subject to the same terms and upon the like conditions, as the sales of said lands would have been subjected to, in the land office at St. Louis, had they remained attached to that office.

APPROVED, May 26, 1824.

A register and receiver to be appointed.

All lands embraced within said district which have been offered for sale pursuant to any proclamation of the President, and now remain unsold, liable to be disposed of at private sale.

STATUTE I.

May 26, 1824.

CHAP. CLXXII.—*An Act to provide for the sale of lands conveyed to the United States in certain cases, 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 agent of the treasury be, and he hereby is, authorized, in all cases where the estates of insolvent debtors have been, or hereafter shall be, assigned to the United States, under the act of the sixth June, seventeen hundred and ninety-eight, entitled "An act providing for the discharge of persons imprisoned for debts due to the United States, to sell such estates, whether real or personal, at such time, and in such manner, as, with the approbation of the Secretary of the Treasury, he shall think fit, for the best price that can be had therefor, and to make all needful conveyances, assignments, or transfers, of the same, to the purchaser or purchasers.

SEC. 2. *And be it further enacted*, That, at any and every sale, on executions, at the suit of the United States, of lands or tenements of a debtor, it shall be lawful for the United States, by such agent as the agent of the treasury shall appoint, to become the purchaser of such lands and tenements: *Provided*, That in no case shall such agent bid in behalf of the United States for a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs; and it shall be the duty of the marshal of the district in which such sale shall be held, in case such purchases shall be made, to make all needful conveyances, assignments, transfers, to the United States; and the agent of the treasury is hereby authorized, with the approbation of the Secretary of the Treasury, to sell and convey the said lands and tenements in the same manner as is directed by the first section of this act, in respect to lands and tenements assigned by insolvent debtors.

In all cases where the estates of insolvent debtors have been, or shall be, assigned to the United States under the act of June 6, 1798, ch. 49, the agent of the treasury is authorized to sell such estate, whether real or personal.

United States may become the purchaser of lands or tenements of a debtor, when sold at their suit.

Proviso.

Act to be construed so as not to impair any other remedy than the one intended.

SEC. 3. *And be it further enacted*, That nothing herein contained, shall be deemed or construed to take away or impair any other remedy which the United States may be now entitled to have against the person or property of debtors, to enforce the satisfaction of judgments obtained, or which may hereafter be obtained.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLXXIII.—*An Act enabling the claimants to lands within the limits of the state of Missouri and territory of Arkansas to institute proceedings to try the validity of their claims. (a)*

Persons claiming lands &c. in that part of the late province of Louisiana, now included within the state of Missouri, by virtue of any French or Spanish grant, &c. legally made, and before the 10th March, 1804, to present petitions to the district court of the state of Missouri.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall and may be lawful for any person or persons, or their legal representatives, claiming lands, tenements, or hereditaments, in that part of the late province of Louisiana which is now included within the state of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the tenth day of March, one thousand eight hundred and four, by the proper authorities, to any person or persons resident in the province of Louisiana, at the date thereof, or on or before the tenth day of March, one thousand eight hundred and four, and which was protected or secured by the treaty between the United States of America and the French republic, of the thirtieth day of April, one thousand eight hundred and three, and which might have been perfected into a complete title, under and in conformity to the laws, usages, and customs, of the government under which the same originated, had not the sovereignty of the country been transferred to the United States, in each and every such case, it shall and may be lawful for such person or persons, or their legal representatives, to present a petition to the district court of the state of Missouri, setting forth, fully, plainly, and substantially, the nature of his, her, or their claim to the lands, tenements, or hereditaments, and particularly stating the date of the grant, concession, warrant, or order of survey, under which they claim, the name or names of any person or persons claiming the same, or any part thereof, by a different title from that of the petitioner; or holding possession of any part thereof, otherwise than by the lease or permission of the petitioner; and, also, if the United States be interested on account of the lands within the limits of such claim, not claimed by any other person than the petitioner; also, the quantity claimed, and the boundaries thereof, when the same may have been designated by boundaries; by whom issued, and whether the said claim has been submitted to the examination of either of the tribunals which have been constituted by law for the adjustment of land titles in the present limits of the state of Missouri, and by them reported on unfavourably, or recommended for confirmation; praying, in said petition, that the validity of such title, or claim, may be inquired into and decided by the said court; and the said court is hereby authorized and required to hold and exercise jurisdiction of every petition, presented in conformity with the provisions of this act, and to hear and determine the same, on the petition, in case no answer or answers be filed after due notice: or on the petition, and the answer or answers of any person or persons interested in preventing any claim from being established: and the answer of the district attorney of the United States, where he may have filed an answer, according to the evidence which shall be adduced by the petitioner, by any person interested in preventing the decree of the court in favour of the title of

(a) See notes to act of May 26, 1824, ch. 154.

Act of June 13, 1812, ch. 99, and notes on page 748, vol. ii.

the petitioner or petitioners, and by the United States, and in conformity with the principles of justice, and according to the laws and ordinances of the government under which the claim originated, and the copy of such petition, with a citation to any adverse possessor, or claimant, shall be served on such possessor or claimant in the ordinary legal manner of serving such process in the state of Missouri, at least fifteen days before the term of the district court of the United States, to which the same is made returnable, and, in like manner, on the district attorney of the United States, where the government is interested in the defence; and it shall be the duty of the United States' attorney for the district in which the suit shall be instituted, in all cases where the United States are interested on account of the public domain, to take notice of each petition filed under the provisions of this act, in the said district, and to make defence, on all just and proper occasions, in behalf of the public interest.

SEC. 2. *And be it further enacted*, That every petition which shall be presented under the provisions of this act, shall be conducted according to the rules of a court of equity, except that the answer of the district attorney of the United States shall not be required to be verified by his oath, and tried, without any continuance, unless for cause shown; and the said court shall have full power and authority to hear and determine all questions arising in said cause, relative to the title of the claimants, the extent, locality, and boundaries of the said claim, or other matters connected therewith, fit and proper to be heard and determined, and, by a final decree, to settle and determine the question of the validity of the title, according to the law of nations, the stipulations of any treaty, and proceedings under the same; the several acts of Congress in relation thereto; and the laws and ordinances of the government from which it is alleged to have been derived; and all other questions properly arising between the claimants and the United States; which decree shall, in all cases, refer to the treaty, law, [or] ordinance, under which it is confirmed or decreed against; and the court may, at its discretion, order disputed facts to be found by a jury, according to the regulations and practice of the said court, when directing issues in chancery before the same court: and, in all cases, the party against whom the judgment or decree of the said district court may be finally given, shall be entitled to an appeal, within one year from the time of its rendition, to the Supreme Court of the United States, the decision of which court shall be final and conclusive between the parties; and, should no appeal be taken, the judgment or decree of the said district court shall, in like manner, be final and conclusive.

SEC. 3. *And be it further enacted*, That the evidence which has been received by the different tribunals which have been constituted and appointed by law to receive such evidence, and to report the same to the Secretary of [the] Treasury, or to the commissioner of the general land office, upon all claims presented to them respectively, shall be received and admitted in evidence for or against the United States, in all trials under this act, when the person testifying is dead, or beyond the reach of the court's process; together with such other testimony as it may be in the power of the petitioner, the person or persons interested in the defence made against establishing any claim, or the United States' attorney, to produce, and which shall be admissible, according to the rules of evidence, and the principles of law.

SEC. 4. *And be it further enacted*, That, in all cases in which evidence shall be offered by the petitioner, which has not been received by either of the tribunals constituted by law for that purpose, it shall be the duty of the attorney of the United States for the district in which the suit shall be instituted, or any person interested in the defence may examine, or cause to be examined, the witnesses, whether

Every petition presented under this act, to be conducted according to the rules of a court of equity.

Appeal.

The evidence received by the different tribunals, shall be admitted as such for or against the United States in all trials under this act, when the person testifying is dead.

Duty of the attorney in all cases in which evidence shall be offered, not received by either of the tribunals con-

stituted for that purpose.

Any claim to lands, &c. under this act, which shall not be brought by petition before the said courts, within two years, forever barred.

Upon the final decision of any claim prosecuted under this act, in favour of the claimant, such claimant is authorized to demand and receive of the clerk of the court a copy of the decree in his favour.

And a patent.

When any claim has been decided against the claimant, or barred, the land shall belong to the United States.

The clerk of the court shall, when any petition of claim is filed under this act, require good and sufficient security to answer certain purposes.

examined in court, or by commission under the authority thereof; and it shall be the duty of the commissioner of the general land office of the United States, or the keeper of any public records, who may have possession of the records and evidence of the different tribunals, which have been constituted by law for the adjustment of land titles in Missouri, as held by France, upon the application of any person or persons, whose claim to lands has been rejected by such tribunals, or either of them, or on the application of any person interested, or by the attorney of the United States for the district of Missouri, to furnish copies of such evidence, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office.

SEC. 5. *And be it further enacted,* That any claim to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before the said courts, within two years from the passing of this act, or which, after being brought before the said courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be forever barred, both at law and [in] equity, and no other action, at common law, or proceeding in equity, shall ever thereafter be sustained in any court whatever, in relation to said claims.

SEC. 6. *And be it further enacted,* That, upon the final decision of any claim prosecuted under this act, in favour of the claimant or claimants, it shall and may be lawful for such claimant to demand and receive from the clerk of the court in which such final decision is had, a copy of the decree, in his, her, or their favour, under the official signature of the clerk, and the seal of the court, if any seal belong to it, and deliver the same to the surveyor of public lands, for the state of Missouri, who shall, thereupon, cause the land specified in said decree to be surveyed, at the expense of the party; and duplicate plats, and certificates of the survey, so made, to be returned into his office, one of which shall remain in said office, and the other, authenticated by the attestation and official signature of the surveyor of public lands, shall be delivered, on demand, to the party interested therein, and the same being presented to the commissioner of the general land office, in Washington city, shall entitle the party interested to a patent from the President of the United States.

SEC. 7. *And be it further enacted,* That in each and every case in which any claim, tried under the provisions of this act, shall be finally decided against the claimant, and in each and every case in which any claim cognisable, under the terms of this act, shall be barred by virtue of any of the provisions contained therein, the land specified in such claim shall, forthwith, be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public land in the same district.

SEC. 8. *And be it further enacted,* That the clerk of said court shall, and he is hereby directed, when any petition of claim is filed, under the provisions of this act, before any proceedings thereon, to require good and sufficient security for all cost and charges which may accrue thereon in prosecuting the same to a final decree; and the district attorney, clerk, marshal, attending witnesses, and jurors, shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the district court of the state of Missouri, to be paid by the party calling for such service or attendance, except where the petitioner or petitioners fail to prosecute his, her, or their suit, or claim to a final decree, or to obtain a final decree in his, her, or their favour, or where any such title or claim may have been presented to the commissioner or the register and receiver, acting as commissioners for the examination of titles and claims to land in said district, and by them has been reported unfavourably on, in all of which cases, all

cost, charges, and expenses of such prosecutions, shall be paid by the petitioner or petitioners; that the clerk of the court, in which the final decree shall be had, shall be allowed one dollar and fifty cents for the official copy of such final decree; that the surveyor of public lands shall be allowed one dollar for each of the official certificates required of him, and the keeper of the records and evidence, taken under former acts of Congress, for the adjustment of land titles, shall be allowed at the rate of ten cents for every hundred words contained in any such written evidence of their claim, to be paid by the party applying therefor.

SEC. 9. *And be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, and the claim exceeds one thousand acres, to make out and transmit, to the attorney general of the United States, a statement containing the facts of the case, and the points of law on which the same was decided; and if the attorney general shall be of opinion that the decision of the district court was erroneous, it shall be his duty to direct an appeal to be made to the Supreme Court of the United States, and to appear for, and prosecute, the said appeal in that court; and it shall be the further duty of the district attorney to observe the instruction given to him by the attorney general in that respect.

SEC. 10. *And be it further enacted*, That it shall be the duty of the marshal of the state of Missouri, by himself or deputy, to attend the said court while in session, and to execute all process to him directed by the court, under this act.

SEC. 11. *And be it further enacted*, That if, in any case, it should so happen that the lands, tenements, or hereditaments, decreed to any claimant, under the provisions of this act, shall have been sold by the United States, or otherwise disposed of, or if the same shall not have been heretofore located, in each and every such case, it shall and may be lawful for the party interested to enter, after the same shall have been offered at public sale, the like quantity of land, in parcels, conformable to sectional divisions and subdivisions, in any land office in the state of Missouri; and, if it should so happen, that, in making such entries, there should remain in the hands of the enterer a fractional excess of acres, of less number than the smallest sectional divisions authorized by law to be sold, it shall and may be lawful for the party interested to enter, in virtue of such fractional excess, the quantity of one half quarter section, upon paying one dollar and twenty-five cents for each acre contained in such half quarter section, over and above the fractional excess to which he may be entitled by such confirmation.

SEC. 12. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the judge of the district court for the state of Missouri, shall hold his sessions at the following places, viz: at the town of St. Louis, in the county of St. Louis, on the third Monday of September next; at the town of St. Genevieve, in the county of St. Genevieve, on the third Monday of December next, and at the town of Jackson, in the county of Cape Girardeau, on the third Monday of April next; he shall appoint his own clerks; and after the first and each of the said sessions, he shall thereafter sit, upon his own adjournments, at the places aforesaid, until all the business before him shall be completed, or the time limited by this act shall have expired, of which said adjournments, and the time of holding the special sessions, aforesaid, public notice shall be given at each of the places aforesaid, and at such other places, in the state of Missouri, as he shall direct: *Provided*, That at either of the places aforesaid, the court may take cognisance and jurisdiction of any claim within the limits of the state: *Provided, moreover*, That, if there should be any person defending against the confirmation of such claim, in such case the trial, in case he shall request the same, shall be

Fees.

Duty of the attorney where the decision is against the United States.

The marshal to attend the said court while in session.

The party interested, where the lands, &c. decreed to any claimant under this act, shall have been sold by the United States or have been heretofore located, to enter a like quantity in any land office in Missouri.

To carry this act into effect, the judge of the Missouri district shall hold his sessions at the town of St. Louis, &c.

The court may take cognisance of any claim within the state.

This act shall not apply to the claims of Jacques Clamorgan.

The district judge to be allowed 800 dollars per annum, in addition to his salary.

All the provisions of this act to extend to, &c. the territory of Arkansas.

The judges of the superior court, clerk, marshal, and district attorney, to perform the same duties, and have the same powers, as in other cases.

**Proviso.**

Former section not to extend to claims above one league square.

had at that place nearest the residence of such person defending against such confirmation: *Provided*, That none of the provisions of this act shall be applied to a claim of the representatives or assignees of Jacques Clamorgan, deceased, lying between the Missouri and Mississippi rivers and covering parts of the counties of St. Charles and Lincoln, in the state of Missouri.

SEC. 13. *And be it further enacted*, That the district judge for the state of Missouri shall, while in the discharge of the duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to his salary as district judge for the state of Missouri, which shall be in full for his services.

SEC. 14. *And be it further enacted*, That all the provisions of this act shall extend to, and be applicable to, the territory of Arkansas; and, for the purpose of finally settling and adjusting the titles and claims to lands derived from the French and Spanish governments, respectively, the superior court for the territory of Arkansas, shall have, hold, and exercise jurisdiction in all cases, in the same manner, and under the same restrictions and regulations, in all respects, as by this act is given to the district court for the state of Missouri; and the judges of the superior court, clerk of said court, marshal, and district attorney of the United States, for the said territory, shall, severally, perform the same duties, and have the same powers in relation to the claims to land presented and prosecuted in said court, in the territory of Arkansas, as is herein provided with regard to the titles and claims to land presented and prosecuted in the district court for the state of Missouri, and the judges of said superior court, the clerk, marshal, and district attorney, shall, each, severally, receive the same fees, emoluments, and compensation for their services, as is in this act provided, in regard to the district judge, clerk, marshal, and district attorney in the state of Missouri; and the said court shall commence its first session on the first Monday in October next, at Little Rock, in the territory of Arkansas; and, afterwards, shall sit upon its own adjournments at the place aforesaid, until all the business before it shall be completed, or the time limited by this act shall have expired; of which public notice shall be given, as is provided in this act, in relation to the district court of the state of Missouri: *Provided*, That in all cases of a decree against the United States, for a greater quantity of land than five hundred acres, in the superior court of Arkansas, it shall be the duty of the attorney of the United States, to transmit to the attorney general of the United States, so soon as may be, a like statement of the facts and points of law in the case, as is required of the district attorney of Missouri, and the same right of appeal, from the decisions of the court in Arkansas, shall be allowed to each party, that are prescribed in relation to decisions in the district court of Missouri.

SEC. 15. *And be it further enacted*, That none of the provisions of the fourteenth section shall extend to claims of a larger amount than one league square.

APPROVED, May 26, 1824.

**STATUTE I.**

May 26, 1824.

CHAP. CLXXIV.—*An Act providing for the disposition of three several tracts of land in Tuscarawas county, in the state of Ohio, and for other purposes.*

Three tracts of land in the county of Tuscarawas, Ohio, to be surveyed and laid off into lots.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the three several tracts of land, lying in the county of Tuscarawas, in the state of Ohio, lately retroceded to the United States by the Society of United Brethren for propagating the Gospel among the heathen, shall be surveyed and laid off into such lots, having regard to the existing surveys and improvements



thereon, as will best conduce to the sale thereof: *Provided*, That the lots and tracts which the United States are bound to convey to the said society, shall be laid off according to the contract for retrocession: *And provided, also*, That a suitable number of in-lots and out-lots, in the town of Gnadenhutten, shall be laid off for said town, embracing the improved part thereof, and the fields adjoining, now occupied by the inhabitants, which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and is hereby, authorized to appoint an agent, who shall reside near the said land, whose duty it shall be to superintend and direct the survey of said land and lots; to receive and pay over to the treasury the rents due, and to become due, on said lands; to take possession of such parts of said lands as may be forfeited by the tenants, by reason of non-performance of the covenants in their leases, to ascertain the actual cash value of each of the lots and town lots, with the improvements thereon, and, also, the value of each, subject to the conditions of the lease outstanding on it, by the aid of two disinterested appraisers, to be selected by the Secretary of the Treasury, to ascertain the award to be made to Isaac Simmers, Jesse Walton, Barzillai Walton, Jesse Hill, and Boaz Walton, according to their leases; to receive a surrender of such of the leases outstanding on such lands as the holders thereof may be disposed to make, who have, or shall first comply with the conditions of their leases, up to the time of the surrender; to superintend the sale of said lands and lots, and to transfer to the purchasers who shall buy any of said land or lots, subject to the leases thereon, the lease of the lot or land so bought; and to do whatever else may be necessary to effect a speedy and advantageous disposition of said lands and lots.

An agent to be appointed to reside near said land—duty of said agent.

SEC. 3. *And be it further enacted*, That a right of pre-emption shall be allowed to John Andreas, John Neigaman, Jacob Winsh, and Catharine Tschudy, at the real cash value of the lots occupied by them according to the stipulations of the said agreement for retrocession, and to any of the lessees, for any lot embracing their lease; and, also, to the said Society of United Brethren, for any of the remaining lots, or town lots, to an amount not exceeding the amount stipulated to be paid to them by the United States: *Provided*, That any of the persons entitled to pre-emption, who shall be desirous to avail themselves of such right, shall give notice to the said agent of such their intention before the cash value of the lots is ascertained; and, in the case of the lessees, shall, at or before the time of giving such notice, pay all arrears of rent, and surrender their leases; and shall, immediately after the said cash value is ascertained, be entitled to a patent for the lot or land to which they are entitled, as aforesaid, on paying the amount of such cash value; or, in the case of the society, on their executing and delivering to said agent a discharge to the United States, for so much as said lot or land, whereto a pre-emption is claimed, shall amount to, on account of any sum to become due them by reason of the stipulations in said retrocession; and no right to such pre-emption shall be considered as extending beyond the time of commencing the sale of said lands, as hereinafter directed.

A right of pre-emption to be allowed John Andreas, and others.

Proviso.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may cause to be designated and allowed for public use, the usual ground for streets and alleys in said town, for public ground, and for schools: and may, moreover, cause to be designated and set apart, one lot in each of said tracts, not exceeding one thirty-sixth part of each, the title whereof shall be vested in the legislature of the state of Ohio, and held in trust for the use of schools, in the same manner as other lands granted by the United States for the use of schools, are held in that state.

The usual ground for streets and alleys in said town, to be allowed for public use.

SEC. 5. *And be it further enacted*, That, immediately after the said surveys shall be completed, the cash value ascertained, and the school

After the surveys are made, value ascer-

tained, and the school lands designated, the agent shall give notice through certain newspapers.

Sale of the lands.

Said agent to take an oath and give security.

To receive 600 dollars per annum.

Proviso.

Any land or lots remaining unsold at public auction, shall be subject to entry and sale, at the land office in Zanesville.

Duty of the accounting officers of the treasury.

Course to be pursued by the President in case the Christian Indians feel a disposition to

lands designated, the said agent shall give notice, by advertisement in one newspaper in Washington city, and one in Steubenville, one in Zanesville, and one in New Philadelphia, Ohio, of the time, not less than sixty days from the first publication, when he will offer the said lands and lots for sale, at public vendue, at the courthouse in New Philadelphia aforesaid; and shall, at such time and place, proceed to offer for sale, to the highest bidder, any of said lands or lots, remaining undisposed of, in the manner hereinbefore provided for: and none of said lots, or land, shall be put up at a less sum than the actual cash value ascertained as aforesaid; and in case any of said lessees shall have failed, or refused to surrender their leases, the sale shall be made subject to those leases; and each purchaser who may purchase at such sale, shall immediately pay to the said agent the amount of his purchase, and take his receipt for the amount, specifying the lot or land purchased; upon which the purchaser shall be entitled to a patent as other purchasers of public lands are: but in case any purchaser shall fail to make his payment as aforesaid, at or before the close of the sale, he shall be considered as having forfeited his purchase, and the land struck off to him shall be again offered for sale, in the same manner as if it had never been struck off: and the said agent, immediately after the close of such sale, shall pay over the money received at such sale, and for rent, to the United States, and report all his proceedings to the general land office; and the President shall be, and he is hereby, authorized, whenever the boundaries of the several lots stipulated to be conveyed to the said society shall be ascertained, to issue patents therefor to said society.

SEC. 6. *And be it further enacted*, That the agent herein provided for, shall take an oath of office, and give bond and security, in such sum and form as the Secretary of the Treasury may direct, and be allowed and paid for his services a salary at the rate of six hundred dollars per annum: *Provided*, That said office shall not continue longer than is necessary to perform the duties herein required, and not longer than one year; and said salary, together with the incidental expenses attending the said survey and sale, shall be charged to the fund to be raised by the sale of said lots and land. The said appraisers shall be allowed the sum of two dollars for each day actually employed in the appraisement aforesaid, and neither the said agent nor appraisers shall be at liberty to purchase any of the said lands or lots.

SEC. 7. *And be it further enacted*, That, if any of such land or lots remain unsold at public auction, as aforesaid, the same shall be subject to entry and sale at the land office in Zanesville, in Ohio, at the actual cash price, ascertained as aforesaid, in the same manner that other lands of the United States are authorized to be entered; and it shall be the duty of the accounting officers of the Treasury Department to keep a separate account of the proceeds of the lots and lands aforesaid, and of all moneys received and disbursed on account thereof; and, after the expenses of survey and sale of said lots and land shall be reimbursed, it shall be the duty of the Secretary of the Treasury to pay to the said society the sums stipulated to be paid them, and for which they shall not have taken lands and lots as hereinbefore provided for: to pay to the said Simmers, Hill, and Waltons, the sums awarded to them; and then to credit the residue of the proceeds of said lots and lands, as they shall be received, to the fund for raising the annuity for the Christian Indians, so called in the manner stipulated in the agreement entered into with them on the eighth of November, one thousand eight hundred and twenty-three.

SEC. 8. *And be it further enacted*, That, whenever the said Christian Indians shall notify the President of the United States, that they wish to remove from their present residence on the river Thames, into the territory of the United States, it shall be lawful for the President to designate a reservation of not less than twenty-four thousand acres of land,

to be held by the said Indians in the usual manner of Indian reservations, so long as they shall live thereon; and from the time said Indians shall remove on to said reservation, the said annuity shall cease.

APPROVED, May 26, 1824.

remove from their residence on the river Thames.

STATUTE I.

CHAP. CLXXV.—*An Act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the claimants of lands within the limits of the land district of St. Helena, as established by the act of the twenty-fifth of April, one thousand eight hundred and twelve, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana, which lies east of the river Mississippi, and island of New Orleans," whose claims have been presented to the commissioner appointed to receive and examine claims and titles to lands in said district, or to the register and receiver, acting as commissioners, under the provisions of the act of the third of March, one thousand eight hundred and nineteen, entitled "An act for adjusting the claims to lands, and establishing land offices in the districts east of the island of New Orleans," and which have not been reported to Congress, or whose claims have not been heretofore presented to the said commissioner; or to the register and receiver, acting as commissioners, be allowed until the first day of January next, to present their titles and claims, and the evidence in support of the same, to the register and receiver of the said district, whose powers and duties, in relation to the same, shall, in all respects, be governed by the provisions of the acts before recited, and of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act supplementary to the several acts for adjusting the claims to land, and establishing land offices in the districts east of the island of New Orleans."

SEC. 2. *And be it further enacted,* That the said register and receiver shall have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall perform the duty of translator, and such other duty as may be required by said register and receiver; and the said register and receiver shall each be allowed, as a compensation for their services, in relation to the said claims, and for the services to be performed under the provisions of the several acts to which this is a supplement, at the rate of one thousand dollars a year; and the clerk at the rate of twelve hundred and fifty dollars a year; and the clerk employed by the said register and receiver, last year, shall be allowed, for the services then rendered by him, nine months' salary, at the same rate; which several sums of money shall be paid out of any money in the treasury not otherwise appropriated: *Provided,* That not more than two years' compensation be thus allowed to either the register and receiver or their clerk; and the payment of the whole, or any portion, of the aforesaid compensation, may be withheld by the Secretary of the Treasury, until a report shall have been made to him, of the performance of the services for which the same is allowed.

SEC. 3. *And be it further enacted,* That all donation claims which may be presented to the said register and receiver under this act, and all claims founded on complete or incomplete titles, which may be so presented, not heretofore surveyed, shall be surveyed at the expense of the claimants. (a)

May 26, 1824.

1805, ch. 26.

Claimants of lands within the limits of the land district of Saint Helena, to be allowed until the 1st January next, to present them.

April 25, 1812, ch. 67.

Act of March 3, 1819, ch. 100.

Act of May 8, 1822, ch. 128.

The register and receiver to appoint a clerk.

Compensation of the register and receiver.

Compensation of the clerk.

Proviso.

Claims to be surveyed at the expense of the claimants.

(a) This section was in the pamphlet laws very different, being a provision for the salary of clerks. It is right as above.

Deputy surveyor to reside where the President may think proper.

SEC. 4. *And be it further enacted*, That the principal deputy surveyor of the United States, for the St. Helena district, shall reside at such place, in the said district, as shall be designated by the President of the United States.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLXXVI.—*An Act explanatory of an act, entitled An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, approved on the eighteenth day of May, one thousand eight hundred and twenty-four.*

The benefits, &c. of the act of May 18, 1824, ch. 88, extended to those who have obtained certificates of further credit for any quantity of land.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the benefits and privileges of the act of Congress, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," approved on the eighteenth day of May, one thousand eight hundred and twenty-four, of which this act is explanatory, be extended to those persons who have obtained certificates of further credit, for any half-quarter section, or for any fractional section of land, under the provisions of any of the several laws for the relief of purchasers of public lands, referred to in the said act, of which this is explanatory.

All relinquishments of land executed under said act, to be filed with the register of the land office where purchased.

SEC. 2. *And be it further enacted*, That all relinquishments of land, which shall be executed under the provisions of the said act of the eighteenth day of May, one thousand eight hundred and twenty-four, or under the provisions of this act, shall be filed with the register of the land office at which the land was purchased, any thing in the said act of the eighteenth of May, one thousand eight hundred and twenty-four, of which this is explanatory, to the contrary notwithstanding.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLXXVII.—*An Act to allow further time to complete the issuing and locating of military land warrants. (a)*

The issuing of land warrants revived and continued in force for five years.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the authority granted to the Secretary of the Department of War, by an act, approved the twenty-fourth day of February, one thousand eight hundred and nineteen, to issue warrants for the military land bounties, to persons entitled thereto, shall be revived and continued in force for the term of five years.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLXXVIII.—*Act making an appropriation for the use of the library of Congress, and for furnishing rooms in the Capitol.*

5000 dollars appropriated for the purchase of books.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any unappropriated money in the treasury, for the purchase of books, under the direction of the joint library committee, for the use of the library of Congress.

1546 dollars for the purchase of furniture.

SEC. 2. *And be it further enacted*, That the sum of fifteen hundred and forty-six dollars be, and the same is hereby, appropriated, out of any unappropriated money in the treasury, for the purchase of furniture for the new library.

SEC. 3. *And be it further enacted*, That the sum of three thousand

(a) Act of May 6, 1812, ch. 77. Act of Dec. 10, 1814, ch. 10, sec. 4. Act of March 18, 1818, ch. 23. Act of Feb. 24, 1819, ch. 41. Act of March 2, 1821, ch. 15.

two hundred and eighty-nine dollars and fifty cents be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for furnishing the rooms in the centre building of the Capitol, under the direction of the commissioner of the public buildings.

APPROVED, May 26, 1824.

For furnishing the rooms in the centre building of the Capitol.

STATUTE I.

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

May 26, 1824.

*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, empowered to provide, by contract, for building lighthouses and light vessels, erecting beacons, and placing buoys, on the following sites or shoals, to wit:

Secretary of the Treasury empowered to provide, by contract, for building lighthouses, &c., on the following sites or shoals.

A lighthouse at Owl's Head, in the state of Maine.

A lighthouse at the mouth of Great Sodus bay, on Lake Ontario; and one on Verplank's Point, in Hudson river, in the state of New York.

A lighthouse at the mouth of Grand River, in the state of Ohio.

A beacon light on Cape Henlopen, in the state of Delaware.

A lighthouse on Pool's Island, and one on Thomas's Point, in the Chesapeake Bay, in the state of Maryland.

A light vessel at or near the long shoal in Pamptico Sound, in the state of North Carolina.

A lighthouse on one of the Sambo Keys, and a light vessel on the Careysfort Reef, in the territory of Florida.

A beacon on Castle Island, and five buoys near Bristol Ferry, in the state of Rhode Island.

A pier and three buoys at the mouth of Saco River, and a pier at the mouth of Well's Harbour, in the state of Maine.

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:

Appropriation

For building a lighthouse in the state of Maine, on Owl's Head, four thousand dollars.

A lighthouse on Great Sodus bay, on Lake Ontario, in the state of New York, four thousand five hundred dollars; and for one on Verplank's Point, in the Huson [Hudson] River, in the same state, four thousand five hundred dollars.

A lighthouse at the mouth of Grand River, in the state of Ohio, eight thousand dollars.

For erecting a beacon light on Cape Henlopen, in the state of Delaware, three thousand dollars.

For a lighthouse on Pool's Island, in the Chesapeake, in the state of Maryland, five thousand dollars; and for one on Thomas's Point, in the same bay, and same state, six thousand five hundred dollars.

For a light vessel to be placed at or near the long shoals on Pamptico Sound, in the state of North Carolina, ten thousand dollars.

For a lighthouse on the Sambo Keys, in the territory of Florida, sixteen thousand dollars; for a light vessel for Careysfort Reef, twenty thousand dollars; for the lighthouses directed to be built—one on the Dry Tortugas, and one on Cape Florida, in the same territory, including the appropriations already made by law, a sum, for each, not exceeding sixteen thousand dollars.

For a beacon and buoys between the Dry Tortugas and the coast of Florida, four thousand dollars.

For placing buoys on certain shoals at the mouth of Kennebeck River, in the state of Maine, one hundred and sixty dollars.

For placing buoys on shoals in Buzzard's Bay, and at or near the mouth of Aponeganset River, in the state of Massachusetts, one hundred and sixty dollars.

For placing buoys on Long Island Sound, near to Cornfield Point, and in Guildford Bay, one hundred and sixty dollars.

For placing a buoy at the mouth of Scuppernong River, in Albemarle Sound, in the state of North Carolina, forty dollars.

For placing a beacon on Castle Island, and five buoys near Bristol Ferry, five hundred dollars.

For a pier and three buoys at the mouth of Saco River, and a pier at the mouth of Well's Harbour, ten thousand dollars—five thousand dollars to each of those places.

Salaries to be allowed the keepers of light vessels.

SEC. 3. *And be it further enacted*, That the following annual salaries be allowed and paid to the keepers of light vessels, to wit:

To the keeper of the Sandy Hook light vessel, seven hundred dollars; and for a mate, three hundred and fifty dollars.

To the keeper of the Smith's Point light vessel, in the Chesapeake Bay, five hundred dollars.

To the keeper of the Wolf Trap light vessel, in the same bay, five hundred dollars.

To the keeper of the Willoughby Spit light vessel, in the same bay, five hundred dollars.

To the keeper of the Craney Island light vessel, four hundred and fifty dollars.

To the keeper of the light vessel to be placed at or near the shoals of Cape Hatteras, seven hundred dollars; and for a mate, three hundred and fifty dollars.

500 dollars appropriated to erect a lighthouse at the mouth of the river Teche, Louisiana.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is, authorized and requested to cause a proper site, at or near the mouth of the river Teche, in Louisiana, to be selected for a lighthouse, and proper places designated for placing buoys near the same. [That.] to enable the President to accomplish these objects, a sum of money, not exceeding five hundred dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824. CHAP. CLXXXI.—*An Act to regulate the mode of practice in the courts of the United States, for the district of Louisiana.* (a)

Mode of proceeding in all *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the mode of proceed-

(a) Decisions of the Supreme Court as to the practice and principles regulating the proceedings of the courts of law, which prevail in the Federal courts of Louisiana.

As, by the laws of Louisiana, questions of fact in civil cases are tried by the court, unless either of the parties demand a jury, in an action of debt on a judgment, the interest on the original judgment may be computed, and make part of the judgment in Louisiana, without a writ of inquiry, and the intervention of a jury. *Mayhew v. Thatcher*, 6 Wheat. 129; 5 Cond. Rep. 34.

By the provisions of the acts of Congress, Louisiana, when she came into the Union, had organized therein a district court of the United States, having the same jurisdiction, except as to appeals and writs of error, as the circuit courts of the United States in other states; and the modes of proceeding in that court were required to be according to the principles, rules and usages which belong to courts of equity, as contradistinguished from courts of common law. And whether there were or not, in the several states, courts of equity proceeding according to such principles and usages, made no difference, according to the construction uniformly given by the Supreme Court. *Livingston v. Story*, 9 Peters, 632.

The provisions of the act of Congress of 1824, relative to the practice of the courts of the United States in Louisiana, contain the descriptive term "civil actions," which embrace cases at law and in equity; and may be fairly construed as used in contradistinction to criminal causes. They apply equally to cases in equity; and if there are any laws in Louisiana directing the mode of proceeding in equity

ing in civil causes in the courts of the United States, that now are, or hereafter may be, established in the state of Louisiana, shall be conformable to the laws directing the mode of practice in the district courts of the said state: *Provided*, That the judge of any such court of the Uni-

civil causes, to be conformable to the laws directing the mode of prac-

causes, they are adopted by that act, and will govern the practice in the courts of the United States. *Ibid.*

If there are no equitable claims or rights cognisable in the courts of the state of Louisiana, nor any courts of equity, and no state laws regulating the practice in equity causes, the law of May 26, 1824, ch. 181, does not apply to a case of chancery jurisdiction; and the district court of Louisiana, was bound to adopt the antecedent modes, authorized under former modes of practice. *Ibid.*

Under the law of Louisiana, there are two kinds of pledges, the pawn and the antichresis. A thing is said to be pawned, when a movable is given as a security; the antichresis consists of immovables. *Livingston v. Story*, 11 Peters, 351.

L. conveyed in 1822, in fee simple, to F. and S., certain real estate in New Orleans, by deed, for a sum of money paid to him, and took from them a counter-letter, signed by them; by which it was agreed, that on the payment of a sum stated in it, on a day stated, the property should be reconveyed by them to L.; and if not so paid, the property should be sold by an auctioneer; and, after repaying, out of the proceeds, the sum mentioned in the counter-letter, the balance should be paid to L. The money was not paid on the day appointed, and a further time was given for its payment, with additional interest and charges; and if not paid at the expiration of the time, it should be sold by an auctioneer. An agreement was at the same time made by L., that the counter-letter should be delivered up to F. and S., and cancelled. The money not being paid, it was again agreed between the parties, that if on a subsequent day fixed upon, it should not, with an additional amount for interest, &c., be paid, the property should belong absolutely to F. and S. The money was not paid, and F. and S. afterwards held the property as their own. The Supreme Court held this transaction to be an antichresis, according to the Civil Code of Louisiana; and on a bill filed in the district court of the United States for the eastern district of Louisiana, in 1832, decreed that the rents and profits of the estate should be accounted for by S., who had become the sole owner of the property by purchase of F.'s moiety; and that the property should be sold by an auctioneer, unless the balance due S., after charging the sum due at the time last agreed upon for the payment of the money, and legal interest, with all the expenses of the estate, deducting the rents and profits, should be paid to S.; and on payment of the balance due S., the residue should be paid to the legal representative of L. *Ibid.*

The antichresis must be reduced to writing. The creditor acquires by this contract, the right of reaping the fruits, or other rewards of the immovables given to him in pledge, on condition of deducting, annually, their proceeds from the interest, if any be due to him, and afterwards from the principal of his debt. The creditor is bound, unless the contrary is agreed on, to pay the taxes, as well as the annual charges of the property given to him in pledge. He is likewise bound, under the penalty of damages, to provide for the keeping and necessary repairs of the pledged estate; and may lay out, from the revenues of the estate, sufficient for such expenses. *Ibid.*

The creditor does not become proprietor of the pledged immovables, by the failure of payment at the stated time; any clause to the contrary, is null: and in that case, it is only lawful for him to sue his debtor before the court, in order to obtain a sentence against him, and to cause the objects which have been put into his hands, to be seized and sold. *Ibid.*

The debtor cannot, before the full payment of his debt, claim the enjoyment of the immovables which he has given in pledge; but the creditor who wishes to free himself from the obligations under the antichresis, may always, unless he has renounced this right, compel the debtor to retake the enjoyment of his immovables. *Ibid.*

The doctrine of prescription, under the civil law, does not apply to this case, which is one of pledge; and if it does, the time before the institution of this suit had not elapsed, in which, by the law of Louisiana, a person may sue for immovable property. *Ibid.*

By the contract of antichresis, the possession of the property is transferred to the person advancing the money. In case of failure to pay, the property is to be sold by judicial process: and the sum which it may bring, over the amount for which it was pledged, is to be paid to the person making the pledge. *Ibid.*

If any rule has been made by the district court of Louisiana, abolishing chancery practice in that court, it is a violation of those rules which the Supreme Court of the United States has passed to regulate the courts of equity of the United States. Those rules are as obligatory on the courts of the United States in Louisiana, as they are upon all other courts of the United States; and the only modifications or additions which can be made by the circuit or district courts, are such as shall not be inconsistent with the rules prescribed. When the rules prescribed by the Supreme Court do not apply, the practice of the circuit and district courts shall be regulated by the practice of the high court of chancery in England. *Story v. Livingston*, 13 Peters, 359.

The Supreme Court has said, upon more than one occasion, after mature deliberation upon able arguments of distinguished counsel against it, that the courts of the United States in Louisiana possess equity powers under the constitution and laws of the United States. That if there are any laws in Louisiana, directing the mode of procedure in equity causes, they are adopted by the act of 26th May, 1824, ch. 181, and will govern the practice in the courts of the United States. But if there are no laws regulating the practice in any equity causes, the rules of chancery practice in Louisiana, mean the rules prescribed by the Supreme Court, for the government of the courts of the United States, under the act of Congress of May 8, 1792, ch. 36, sec. 2. *Ibid.*

No court ought, unless the terms of the act of Congress render it unavoidable, to give a construction to an act, which should, however unintentionally, involve a violation of the Constitution. The terms of the act of 1824 may well be satisfied by limiting its operation to modes of practice and proceedings in the courts below, without changing the effect or conclusiveness of the verdict of a jury upon the facts litigated on the trial. The party may bring the facts into review before the appellate court, so far as they bear

tice in the district courts of the State.

Petit jurors for the trial of all causes, civil or criminal, shall be designated, summoned, and returned in the manner that is now directed by the laws of the state.

Proviso.

Proviso.

ted States may alter the times limited or allowed for different proceedings in the state courts, and make, by rule, such other provisions as may be necessary to adapt the said laws of procedure to the organization of such court of the United States, and to avoid any discrepancy, if any such should exist, between such state laws and the laws of the United States.

SEC. 2. *And be it further enacted*, That petit jurors, for the trial of all causes, as well civil as criminal, shall be designated, summoned, and returned in the manner that now is directed by the laws of the said state, with respect to jurors, to serve in the district courts of the said state of Louisiana, and that all the duties directed by such state laws to be performed by the sheriffs and clerks, in relation to the designation, summoning, and returning, such jurors, shall be performed by the marshal of the United States and the clerk of the court of the United States, in the district where such court of the United States shall sit, and that the petit jurors to serve in such court of the United States, shall be taken from the parish in which said court holds its sessions, but, that the grand jurors may come from any part of the district, and may be summoned and empannelled by the marshal, in the manner now prescribed, and the marshal, for the purpose of designating such petit jurors, shall take the names of all persons liable to serve as jurors, from the list made by the sheriff, for the purpose of drawing jurors for the district court of the state; and such number of jurors shall be drawn for each term of such court of the United States, or for such portion of each term, as the court may, by its rules, direct; *Provided*, That nothing herein contained, shall be so construed as to prevent the judge of any of the said courts of the United States from directing a jury to be summoned from any other parish within the district, whenever it may be necessary to secure an impartial trial; but that, in all such cases, the names of the jury shall be also designated, by lot, in the manner directed by the laws of the state, for designating jurors to serve in the district courts: *And provided, also*, That special juries may be directed for the trial of any particular civil cause, by the consent of parties, but not otherwise.

APPROVED, May 26, 1824.

upon the question of law, by a bill of exceptions. If there be any mistake of the facts, the court below is competent to redress it, by giving a new trial. *Parsons v. Bedford et al.*, 3 Peters, 433.

In the district court of Louisiana, the defendant pleaded the plea of reconvention, which is authorized by the Code of Practice in Louisiana. The district court, on motion of the plaintiffs, ordered the plea to be stricken off. The Code of Practice in Louisiana was adopted in Louisiana, by a statute of that state, passed after the act of Congress of May 26, 1824, regulating the practice of the district court of the United States for the eastern district of Louisiana, and the practice according to that code has not been adopted as a part of the rules of practice of the district court, when the plea was stricken off. Held, that the plea was properly stricken off. *Wilcox et al. v. Hunt*, 13 Peters, 378.

In the case of *Livingston v. Story*, which was before the court in 1835, (9 Peters, 655,) the court took occasion to examine the various laws of the United States establishing and organizing the district court of the eastern district of Louisiana, and to decide whether that court had equity powers; and if so, what should be the mode of proceeding in the exercise of those powers. The various cases which had been before the court, involving substantially the same question, in relation to states where there were no equity state courts, or laws regulating the practice in equity causes, were referred to, and the uniform decisions of the court have been, that there being no equity state courts did not prevent the exercise of equity jurisdiction in the courts of the United States; and it was accordingly decided that the district court of Louisiana was bound to proceed in equity causes, according to the principles, rules and usages, which belong to courts of equity as contradistinguished from courts of law. *Gaines et al. v. Relf et al.*, 15 Peters, 9.

When a party seeks relief, which is mainly appropriate to a court of chancery jurisdiction, in the circuit court of the United States for Louisiana, chancery practice must be followed. *McCullum v. Eager*, 2 Howard, 61.

It is impossible to lay down any general rule as to what constitutes multifariousness in a bill in equity. Every case must be governed by its own circumstances, and the court must exercise a sound discretion. *Gaines et ux. v. Relf et al.*, 2 Howard, 619.

The exercise of chancery jurisdiction, in the courts of Louisiana, does not introduce any new or foreign principle. It is only a change in the mode of redressing wrongs and protecting rights. *Ibid.*



CHAP. CLXXXII.—*An Act supplementary to "An act providing for the examination of titles to land in that part of the state of Louisiana situated between the Rio Honda [Hondo] and the Sabine river."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the powers given to, and duties required of, the register and receiver of the land office south of Red river, in the state of Louisiana, by the act of the third of March, eighteen hundred and twenty-three, entitled "An act providing for the examination of the titles to land in that part of the state of Louisiana, situated between [the] Rio Honda [Hondo] and the Sabine river," be extended to all that tract of country, known and called by the name of "The Neutral Territory," lying east of the present western boundary of Louisiana, and west of the limits to which the land commissioners have heretofore examined titles and claims to land in said state; and in the examination of claims to land within the aforesaid limits, the register and receiver shall, in all respects, be governed by the provisions of the aforesaid act.

SEC. 2. *And be it further enacted,* That the register and receiver of said land offices shall, severally, receive, as a full compensation for the duties required of them by this act, the sum of two hundred dollars, whenever they shall have finished the business required to be performed by them, by this act, and the act to which this is a supplement, and have forwarded their reports to the Secretary of the Treasury.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

Act of March 3, 1823, ch. 30.  
Act of March 26, 1824, ch. 175.

The powers given to, &c., the register and receiver of the land office south of Red river, Louisiana, by the act of March 3, 1823, extended.

The register and receiver to receive each 200 dollars.

CHAP. CLXXXIII.—*An Act to complete the survey of the southern and western boundary of the state of Missouri. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum of fifteen hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the Secretary of the Treasury, be, and the same is hereby appropriated, to complete the payment for surveying the southern boundary line of the state of Missouri, and so much of the western boundary line thereof, as lies south of the Missouri river.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

Appropriation to complete the surveying of the southern boundary line of Missouri, and so much of the western as lies south of the Missouri river.

CHAP. CLXXXIV.—*An Act supplementary to an act passed on the thirteenth day of June, one thousand eight hundred and twelve, entitled "An act making further provision [provisions] for settling the claims to land in the territory of Missouri." (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall be the duty of the individual owners, or claimants, of town or village lots, out lots, and common field lots, in, adjoining or belonging to, the several towns, or villages, of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villa a Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, and Little Prairie, in Missouri, and the village of Arkansas, in the territory of Arkansas, whose lots were confirmed by the act of Congress of the thirtieth [thirteenth] of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the territory of Missouri," on the ground of inhabitation, cultivation,

STATUTE I.

May 26, 1824.

Duty of the individual owners or claimants of village and other lots, in certain towns in Missouri and territory of Arkansas, which were confirmed by the act of June 13, 1812, ch. 99.

(a) See act of May 26, 1824, ch. 154, an act of June 13, 1812, ch. 99, and notes, vol ii. 748.

or possession, prior to the twentieth day of December, one thousand eight hundred and three, to proceed, within eighteen months after the passage of this act, to designate their said lots, by proving, before the recorder of land titles for said state and territory, the fact of such inhabitation, cultivation, or possession, and the boundaries and extent of each claim, so as to enable the surveyor general to distinguish the private from the vacant lots, appertaining to the said towns and villages.

Duty of the  
surveyor general.

SEC. 2. *And be it further enacted*, That, immediately after the expiration of the said term allowed for proving such facts, it shall be the duty of the surveyor general, within whose district such lots lie, to proceed, under the instructions of the commissioner of the general land office, to survey, designate, and set apart to the said towns and villages, respectively, so many of the said vacant town or village lots, out lots, and common field lots, for the support of schools in the said towns and villages, respectively, as the President of the United States shall not, before that time, have reserved for military purposes, and not exceeding one-twentieth part of the whole lands included in the general survey of such town, or village, according to the provisions of the second section of the above-mentioned act of Congress; and also, to survey and designate, so soon after the passage of this act as may be, the commons belonging to the said towns and villages, according to their respective claims and confirmations, under the said act of Congress, where the same has not been already done: *Provided*, That lots relinquished to the United States on account of damages done them by the earthquakes, and in lieu of which lands have been located elsewhere, shall neither be so designated or set apart, nor taken into the estimate of the quantity to which any town or village is entitled.

Proviso.

The recorder  
to issue a certificate of confirmation for each claim confirmed and to receive one dollar therefor.

SEC. 3. *And be it further enacted*, That the recorder shall issue a certificate of confirmation for each claim confirmed, and shall receive for the services required of him by this act, the sum of one dollar for each lot so proved to have been inhabited, cultivated, and possessed, to be paid by the respective claimants; and, so soon as the said term shall have expired, he shall furnish the surveyor general with a list of the lots so proved to have been inhabited, cultivated, or possessed, to serve as his guide in distinguishing them from the vacant lots to be set apart as above described, and shall transmit a copy of such list to the commissioner of the general land office.

The provisions of this act and the act aforesaid, to extend to the village of Mine à Burton.

SEC. 4. *And be it further enacted*, That the provisions of this act, and of the aforesaid act of the thirtieth [thirteenth] of June, one thousand eight hundred and twelve, be, and the same are hereby extended to the village of Mine à Burton, and the right of filing their claims with the recorder.

APPROVED, May 26, 1824.

#### STATUTE I.

May 26, 1824.

CHAP. CLXXXV.—*An Act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city. (a)*

All the right and claim of the

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

(a) The decisions of the Supreme Court in construction of this act have been:

A lot of ground was granted by the Spanish government of Florida, in 1802, to Forbes and Company in the city of Mobile, which was afterwards confirmed by the commissioners of the United States. The lot granted was eighty feet in front, and three hundred and four feet in depth, bounded on the east by Water street. This, while the Spanish government had possession of the territory, was known as "a water lot." In front of the lot was a lot, which, at the time of the grant of the lot to Forbes and Company, was covered by the water of the bay and river of Mobile, the high tide flowing over it; and it was separated from Forbes and Company's lot, by Water street. It was afterwards in part reclaimed by Lewis, who had no title to it, and who was afterwards driven off by one of the firm of Forbes and

of the United States to the lots known as the hospital and bake-house lots, containing about three-fourths of an acre of land, in the city of Mobile, in the state of Alabama; and also all the right and claim of the United States to all the lots not sold or confirmed to individuals, either by United States to the lots known as the hospital and bake-house lots in the city

Company. A blacksmith's shop was then put on the lot by him, and Lewis, again by proceedings at law, obtained possession of the blacksmith's shop, it not being his improvement. The improvement was first made in 1823. The Spanish governor in 1809, after the Louisiana treaty of 1803, and before the territory west of the Perdido was out of the possession of Spain, granted the lot in front of the lot owned by Forbes and Company, to William Pollard; but the commissioners of the United States, appointed after the territory was in the full possession of the United States, refused to confirm the same "because of the want of improvement and occupation." In 1824, Congress passed an act, the second section of which gives to those who have improved them, the lots in Mobile, known under the Spanish government as "water lots," except where the lot so improved had been alienated, and except lots of which the Spanish government had made "new grants" or orders of survey during the time the Spanish government had "power" to grant the same, in which case the lot is to belong to the alienee or the grantee. In 1836, Congress passed an act for the relief of William Pollard's heirs, by which the lot granted by the Spanish government of 1809, was given to the heirs, saving the right of third persons; and a patent for this lot was issued to the heirs of William Pollard, by the United States, on the 2d July, 1836. Held, that the lot lying east of the lot granted in 1802, by the Spanish government, to Forbes and Company, did not pass by that grant to Forbes and Company; that the act of Congress of 1824, did not vest the title in the lot east of the lot granted in 1802, in Forbes and Company; and that the heirs of Pollard, under the second section of the act of 1824, which excepted from the grant to the city of Mobile, &c., lots held under "new grants" from the Spanish government, and under the act of Congress of 1836, were entitled to the lot granted in 1809 by the Spanish government to William Pollard. *Pollard's heirs v. Kibbs*, 14 Peters, 363.

The act of Congress under which title was claimed, being a private act, and for the benefit of the city of Mobile, and certain individuals; it is fair to presume it was passed with particular reference to the claims of individuals, and the situation of the land embraced in the law at the time it was passed.

The term "new grant" in its ordinary acceptation, which applied to the same subject or object, is the opposite to "old." But such could not be its meaning in the act of Congress of 1824. The term was doubtless used in relation to the existing condition of the territory in which such grants were made. The territory had been ceded to the United States by the Louisiana treaty, but in consequence of a dispute with Spain about the boundary line, had remained in the possession of Spain. During this time Spain continued to issue evidences of titles to lands, within the territory in dispute. The term "new" was appropriately used as applicable to grants and orders of survey of this description as contradistinguished from those issued before the cession. *Ibid.*

The time when the Spanish government had the "power" to grant lands in the territory, by every reasonable intendment of the act of Congress of 1824, must have been so designated with reference to the existing state of the territory, as between the United States and Spain; the right to the territory being in the United States and the possession in Spain. The language "during the time at which Spain had the power to grant the same," was under such circumstances very appropriately applied to the case. It could with no propriety have been applied to the case, if Spain had full dominion over the territory, by the union of the right and the possession; and, in this view, it is no forced interpretation of the word "power" to consider it here used as imparting an imperfect right, and distinguished from complete lawful authority. *Ibid.*

The acts of Congress of March 25, 1812, appointing commissioners to ascertain the titles and claims to lands on the east side of the Mississippi, and west side of the Perdido, and falling within the cession of France, embraced all claims to this description. It extended to all claims, by virtue of any grant, order of survey, or other evidence of claim, whatsoever, derived from the French, British or Spanish governments; and the reports of the commissioners show, that evidence of claims, of various descriptions, issued by Spanish authority, down to 1810, come under their examination. And the legislation of Congress shows many laws passed, confirming incomplete titles, originating after date of the treaty between France and Spain, at St. Ildefonso. Such claims are certainly not beyond the reach of Congress to confirm; although it may require a special act of Congress for that purpose. Such is the act of Congress of July 2d, 1836, which confirms the title of William Pollard's heirs, to the lot which is the subject of this suit. *Ibid.*

A lot of ground, part of the ground on which fort Charlotte had been erected, in the city of Mobile, before the territory was acquired from Spain, by the United States, had been sold under an act of Congress of 1818. The lot had been laid out according to a plan by which a street, called Water street, was run along the margin of Mobile river; and the street was extended over part of the site of fort Charlotte. The lot was situated west of Water street, but when sold by the United States, its eastern line was between high-water mark of the river. The purchaser of this lot improved the lot lying in front of it, east of Water street, having filled it up, at a heavy expense, thus reclaiming it from the river, which at high-water had covered it. When the lot east of Water street was purchased, the purchaser could not pass along the street, except with the aid of logs, and other timber. Water street, was, in 1823, filled up, at the cost of the city of Mobile. Taxes and assessments for making side-walks, along Water street, were paid to the city of Mobile, by the owner of the lot. The city of Mobile had brought suit for taxes, and had advertised the lot for sale, as the property of a tenant under the purchaser of the lot. On the 26th of May, 1824, Congress passed an act, which declared in the first section, that all the right and claim of the United States to the lots known as the hospital and bake-house lots, containing about three-fourths of an acre of land in the state of Alabama; and all the right and claim of the United States to all the lots not sold or confirmed to individuals, either by this or any former act, and to which no equitable title exists, in favour of any individual under this or any other act, between high-water mark and the channels of the river, and between Church street and North Boundary street, in front of Mobile, should be vested in the corporation of the city of Mobile for the use of the city forever. The second section provides, "that all the right and claim of the United States to so many

of Mobile, &c. vested in the mayor and aldermen of said city.

this or any former act, and to which no equitable title exists, in favour of any individual, under this or any other act, between high-water mark and the channel of the river, and between Church street and North Boundary street, in front of the said city, be, and the same are hereby, vested in the mayor and aldermen of the said city of Mobile, for the time being, and their successors in office, for the sole use and benefit of the said city forever.

Right and claim of the United States to other lots in

SEC. 2. *And be it further enacted*, That all the right and claim of the United States to so many of the lots of ground, east of Water street, and between Church street and North Boundary street, now

of the lots east of Water street, and between Church street and North Boundary street, now known as water lots, as are situated between the channel of the river and the front of the lots, known under the Spanish government as water lots, in the said city of Mobile wherever improvements have been made, be, and the same are hereby, vested in the several proprietors and occupants of each of the lots heretofore fronting on the river Mobile, &c." The city of Mobile claimed from the defendant in error the lot held by him, under the purchase from the United States, and the improvements before described; asserting that the same was vested in the city by the first section of the act of 1824. Held, that under the provisions of the second section of the act, the defendant in error claiming under the purchase made under the act of 1818, and under the act of 1824, was entitled to the lot. *The city of Mobile v. Eslava*, 16 Peters, 261.

The right relinquished by the United States was to the water lots "lying east of Water street, and between Church street and North Boundary street, now known as water lots, as are situated between the channel of the river and the front of the lots, known under the Spanish government as water lots, in the said city of Mobile, wherever improvements have been made." The improvements refer to the water and not to the front lots. A reasonable construction of the act requires, the improvements to have been made or owned by the proprietor of the front lot, at the time of the passage of the act. Being proprietor of the front lot, and having improved the water lot opposite and east of Water street, constitute the conditions on which the right under the statute vests. *Ibid*.

A grant by the Spanish government confirmed by the United States, was made of a lot of ground in the city of Mobile, running from a certain boundary eastwardly to the river Mobile. The land adjacent to this lot, and extending from high-water mark to the channel of the river, in front of the lot, was held by the grantee as appurtenant to the last and above high-water mark. The city of Mobile instituted an action to recover the same, asserting a title to it under the act of Congress of May 26, 1824, granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals in the said city. Held, that this lot was within the exceptions of the act of 1824; and no right to the same was vested in the city of Mobile by the act. *The city of Mobile v. Hallett*, 16 Peters, 261.

Ejectment to recover possession of a lot in the city of Mobile, Alabama. The defendants, in the circuit court, claimed title to the land under Lucy Landry, who was the devisee of one Geronio; who having been in possession of the lot at the corner of St. Francis and Royal streets, occupied it until his death. On the arrival of Lucy Landry at age, she occupied the lot as her own property; and in 1818, she sold and conveyed it by deed to certain persons; stating the eastern boundary in the deed to be the Mobile river. These persons, on the same day, conveyed the premises to Oliver Holman, who entered on it and improved it, by erecting houses and a wharf upon it; and continued to occupy it as a merchant in co-partnership with one Charles Brown, who lived in Boston, until December, 1822, when he died; leaving, as his heirs, the lessors of the plaintiff. The possession of Lucy Landry, of the lot, commenced in 1800, and extended on Royal street, and on the east followed the high-water mark on the river. The land was not subject to inundation, though in many places the water ran across it. Until the improvements made by Holman, the lot was not susceptible of occupancy. There was a ridge of high land formed of shells and artificial deposits, to the east of which, to the river, the lot was situated; and the ridge was protected by the Spanish authorities, no person being permitted by them to improve on the ground or to remove the earth. It was called "The King's Highway," or landing place. Questions as to the title of the proprietors of the adjacent lots above Water street to the lots extending to the river, prevailed until 1824; when on the 26th May, 1824, a law was passed, which granted the lots, known as the water lots under the Spanish government, to the owners of the adjacent grounds. The improvements were made by Holman in 1819 or 1820. The defendants below gave in evidence, to maintain their title, the title to them from Lucy Landry, through her grantees to Oliver Holman: a title bond from Holman to Brown, for half of the lot in controversy, by which a deed was to be executed two years after the date of the bond; and an act of the legislature of Alabama, passed in December, 1823, after the decease of Holman, authorizing the administratrix of Holman, then residing in Boston, where administration of the estate of the deceased had been granted to her, to sell the real estate of which he died seised, in the city of Mobile, for the payment of his debts, the estate being insolvent: a deed made in pursuance of a sale of the premises, under the act of assembly and in conformity to the provisions thereof; and also the record of certain proceedings in the supreme court of Massachusetts, wherein a license was given to the administratrix to make a deed, in pursuance of the title bond to Brown, and the deed, made under this authority. The questions which arose in the case, and on which the court decided, were: First, whether the act of the legislature of Alabama, authorizing the sale of the estate of Holman, was constitutional and valid. Second, whether the proceedings in the supreme court of Massachusetts were operative, and authorized the administratrix to convey the title. Third, whether a volume of state papers, published under the authority of Congress, was evidence. Fourth, whether the lessors of the plaintiff below had established a legal title. Fifth, whether the defendants in the circuit court had not established a title in themselves, independent of and adverse to the title they had derived under Oliver Holman. The act of Congress of May 26, 1824, relinquished the rights of the United States, whatever they were, in the lot in question, to the proprietor of the front lot. *Watkins v. Holman et al.*, 16 Peters, 25.

known as water lots, as are situated between the channel of the river and the front of the lots, known, under the Spanish government, as water lots, in [the] said city of Mobile, whereon improvements have been made, be, and the same are hereby, vested in the several proprietors and occupants of each of the lots heretofore fronting on the river Mobile, except in cases where such proprietor or occupant has alienated his right to any such lot, now designated as a water lot, or the Spanish government has made a new grant, or order of survey, for the same, during the time at which they had the power to grant the same; in which case, the right and claim of the United States shall be, and is hereby, vested in the person to whom such alienation, grant, or order of survey, was made, or in his legal representative; *Provided*, That nothing in this act contained shall be construed to affect the claim or claims, if any such there be, of any individual or individuals, or of any body politic or corporate. (a)

APPROVED, May 26, 1824.

said city, vested in the person to whom such alienation, grant, or order of survey was made.

Proviso.

STATUTE I.

May 26, 1824.

CHAP. CLXXXVI.—*An Act in further addition to "An act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed on that subject."* (b)

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is in addition, three years previous to his admission: *Provided*, Such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for three years next preceding, it has been the bona fide intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

Act of March 26, 1790, ch. 3. Conditions on which an alien being a free white person and a minor, may become a citizen of the United States.

Proviso.

SEC. 2. *And be it further enacted*, That no certificates of citizenship, or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section of the act, entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

No certificate of citizenship or naturalization heretofore obtained from any court to be deemed invalid. 1816, ch. 32.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the act, to which this is in addition, shall, if the same has been bona fide made before the clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts, respectively.

Declaration required by the first section of the former act to be valid on certain conditions.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; any thing in the said act, or in any subsequent act, to the contrary notwithstanding.

A declaration of intention made two years before his admission shall be sufficient.

APPROVED, May 26, 1824.

(a) This act has been declared by the Supreme Court to be "a private act;" but its insertion among "The Public Laws" has been considered proper, as the decisions of the court upon its construction, and in cases which have arisen under its provisions, are of general and public importance.

(b) See notes of the acts relating to naturalization, vol. i. 103.

## STATUTE I.

May 26, 1824.

CHAP. CLXXXVII.—*An Act explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the fourth of May, one thousand eight hundred and twenty-two."*

Provisions of the act of May 4, 1822, ch. 48, shall extend to the volunteer, &c. officers engaged against the Seminole Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the proper accounting officer of the Treasury Department be, and he is hereby, directed to give such construction to the act of the fourth of May, one thousand eight hundred and twenty-two, as that its provisions shall extend to the claims of the volunteer, field, and staff officers, engaged in the campaign of eighteen hundred and eighteen, against the Seminole Indians, who lost horses or the necessary equipage thereof, in the manner mentioned in said act; and, also, to the claims of all the volunteer officers or soldiers engaged in the campaign aforesaid, who, without any fault or negligence on their part, respectively, lost horses, or the necessary equipage thereof, in battle.

The claims of all owners of wagons to be settled.

SEC. 2. *And be it further enacted,* That the proper accounting officer of the Treasury Department be, and he is hereby, authorized and directed to audit and settle the claims of all owners of wagons and teams, and others, for any horse or horses, impressed into the public service during the said Seminole campaign: *Provided,* That such impressment, and the value of said horse, or horses, be satisfactorily proved, and that it shall, also, be satisfactorily proved that such horse or horses were not returned to their owners, and that any compensation which may have been allowed and paid for the service of said horse or horses, after the time of their impressment, be deducted.

Proviso.

To be paid out of the treasury.

SEC. 3. *And be it further enacted,* That the amount of such claims, so audited and settled, when ascertained, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, May 26, 1824.

## STATUTE I.

May 26, 1824.

[Obsolete.]

CHAP. CLXXXVIII.—*An Act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants lying between Ludlow's and Robert's lines, in the state of Ohio.* (a)

The President authorized to ascertain the number of acres of land lying between Ludlow's and Robert's lines, in Ohio.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and, by appraisement or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Robert's lines, in the state of Ohio, as may, agreeably to the principles of a decision of the Supreme Court of the United States, in the case of Doddridge's lessee, against Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States, and that he report the facts at the commencement of the next session of Congress.

APPROVED, May 26, 1824.

(a) Under the reservation contained in the cession act of Virginia, and under the acts of Congress of August 10, 1790, ch. 40, and of June 9, 1794, ch. 62, the whole country between the Scioto and Little Miami rivers was subjected to the military warrants to satisfy which the reserve was made. *Doddridge v. Thompson, 9 Wheaton, 469; 5 Cond. Rep. 645*

The territory lying between the two rivers, is the whole country from their sources to their mouths; and if no branch of either of them has acquired the name, exclusive of another, the main branch to its source must be considered as the true river. *Ibid.*

The act of June 26, 1812, ch. 109, to ascertain the western boundary of the tract reserved for the military warrants, and which provisionally designates Ludlow's line as the western boundary, did not invalidate the title to land between that line and Robert's line, acquired under a Virginia military warrant, previous to the passage of that act. *Ibid.*

The land between Ludlow's and Robert's line was not withdrawn from the territory liable to be surveyed for military warrants, by any act of Congress passed before the act of June 26, 1812, ch. 109. *Ibid.*

CHAP. CLXXXIX.—*An Act to authorize the surveying and making of a road from a point in the north-western boundary of the state of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, 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 the President of the United States be, and he is hereby, authorized to appoint three commissioners, who shall explore, survey, and mark, in the most eligible course, a road from a point in the north-western boundary of the state of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the territory of Michigan; and said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approve of said survey, shall cause the plats thereof to be deposited in the office of the treasury of the United States, and the said road shall be considered as established and accepted.

SEC. 2. *And be it further enacted,* That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States, in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted,* That the said commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day they shall be necessarily employed in the exploring, surveying, and marking of said road. And for the purpose of compensating the said commissioners and their assistants, and for opening and making said road, there shall be, and is hereby appropriated, the sum of twenty thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED, May 26, 1824.

CHAP. CXC.—*An Act to revive and extend the term of certain pensions which have expired by limitation.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the pensions heretofore granted, and paid out of the privateer pension fund, to the widows and orphans of such officers, seamen, and marines, as were slain, or died in consequence of wounds, or casualties, received, while in the line of their duty, on board the private armed ships of the United States, and the terms for the payment of which had expired by limitation, before the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war."

APPROVED, May 26, 1824.

CHAP. CXCI.—*An Act to regulate the fees of the registers of wills in the several counties within the District of Columbia.*

*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, there shall be allowed, and paid, (in lieu of the fees now allowed,) to each of the registers of wills, for the counties of Wash-

STATUTE I.

May 26, 1824.  
[Obsolete.]

President to appoint three commissioners to explore, &c. the most eligible course for a road from a certain point in Ohio, to Detroit.

Troops of the United States to complete the same.

Commissioners to receive 3 dollars, and their assistants \$150 cents per day.

Appropriation.

STATUTE I.

May 26, 1824.  
[Expired.]

Pensions paid out of the privateer pension fund, and the terms for their payment revived and extended.

Act of April 9, 1824, ch. 34.

STATUTE I.

May 26, 1824.

Specific fees to the registers of wills for Washington and Alexandria.

ington and Alexandria, in the District of Columbia, the following fees; that is to say:

Probates.	For every probate of will, (where there is no controversy,) one dollar;
Letters testam- entary.	For granting letters testamentary, seventy-five cents;
Annexing wills.	Annexing will, for one hundred words, twelve and one half cents;
Registering. Letters of ad- ministration.	Registering the same, for one hundred words, twelve [and] a half cents;
	For granting letters of administration, seventy-five cents;
Filing, &c.	Every bond taken of executors, administrators, or guardians, and re- cording the same, one dollar and fifty cents;
	For filing and entering renunciation of executors, or widows, twenty- five cents;
Exemplifica- tion, &c.	For exemplification of letters testamentary, or letters of administration, under seal, one dollar;
Warrants un- der seal.	For issuing warrant, under seal, to appraisers, and warrant to swear them, fifty cents;
Notice of ad- ministrators.	For notice of administrators to creditors, and orders thereon, fifty cents;
Entering ca- veats.	For entering caveat, twenty-five cents;
Citations un- der seal.	For issuing citation, under seal, fifty cents;
Oaths.	For administering every oath, or affirmation, six and one fourth cents;
Lists of arti- cles appraised.	For filing list of articles appraised, twenty-five cents;
Lists of arti- cles sold at vendue.	For filing list of articles sold at vendue, twenty-five cents;
Recording the same.	For recording the same, (if ordered by the court,) for every hundred words, twelve and one half cents;
Accounts of an executor, &c.	For stating, passing, and filing the account of an executor, adminis- trator, or guardian, not exceeding seventy-five items, three dollars; every additional item, two cents;
Examining vouchers, &c.	For examining the vouches [vouchers,] passing, and filing the account of an executor, administrator, or guardian, (not stated by the register,) and not exceeding seventy-five items, two dollars; every additional item, two cents;
Copies of same under seal.	For copy of same, under seal, if demanded, not exceeding one hun- dred items, one dollar: every additional item, two cents; seal and certi- ficate, thirty-seven cents and one half;
Subpœnas.	For subpœna, thirty-seven cents and one half. All witnesses to be put into one subpœna, unless separate ones are required by the party. For every name after the first, six cents and one fourth;
Duces tecum.	For duces tecum, under seal, fifty cents;
Search.	For every search, where no other service is performed for which fees are allowed, eighteen cents and three-fourths:
Balance of distribution of deceased per- sons' estate.	For making out, and filing, the balance of distribution of deceased persons' estate, for each heir, one dollar;
Taxing costs.	For taxing all costs, in any one case, twenty-five cents;
Writs of exe- cution.	For a writ of execution, on a definitive sentence, under seal, seventy- five cents;
Recording, &c. indentures of apprentices, &c.	For recording, and filing, each indenture of apprentice, including the court's taking recognisance for same, or its approval when done by the justices of the peace, seventy-five cents;
Depositions of witnesses.	For drawing depositions of witnesses, for every hundred words, twelve cents and one half;
Filing all other papers.	For filing all other papers (except as above required,) four cents each;
Appearance of party under process.	For entering appearance of party under process, twelve cents and one half;
Return of process.	For entering return of process, twelve and one half cents;
Continuance or reference, chargeable, &c.	For every continuance or reference, chargeable to the applicants, twelve and one half cents.
Commission to examine wit- nesses, &c. Or- phans' estate.	For commission to examine witnesses, or to auditors, under seal, one dollar.
	For commission to value orphans' estate, in the hands of guardians, under seal, one dollar;



For entering every order of court, twelve cents and one half; if more than one hundred words, then, at the rate of twelve cents and one half per hundred;

Entering orders of Court.

For recording or copying any paper, for one hundred words, twelve cents and one half; seal and certificate, thirty-seven cents and one half;

Recording and copying papers.

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of twelve cents and one half per hundred;

Filing petitions or reports.

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words twelve cents and one half; seal and certificate, thirty-seven cents and one half;

Entering judgments, &c.

For entering every motion in court, twelve and one half cents;

Entering motions in court.

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, twelve and one half cents;

Entering appointment of guardian, &c.

For issuing attachment and entering motion therefor, seventy-five cents;

Issuing attachments, &c.

For taking a recognisance, twenty-five cents;

Taking a recognisance.

For warrant to marshal to summon jury, under seal, seventy-five cents;

Warrant to summon jury.

For entering panel of jury, and swearing them, fifty cents;

Entering panel of jury.

For taking, filing, and recording, every bond, not above provided for, one dollar;

Taking, filing, &c., bonds.

For passing an account against the estate of a deceased person, twelve and a half cents; to be paid by the applicant, and not to be refunded.

Passing accounts, &c.

SEC. 2. *And be it further enacted*, That the respective officers, whose fees are by this act specified, are hereby required to make fair tables of their fees, agreeable to this act, and to set up the same in their respective offices, within six months after the passing of this act, in some conspicuous part of their office, for the inspection of all persons who may have business in said offices; on pain of forfeiting, for each day the same shall be missing through said officer's neglect, the sum of ten dollars, to be recovered as debts of the same amount are recoverable, one half to the county, and the other half to the informer.

Fair tables of fees to be made out by the officers whose fees are by this act specified.

SEC. 3. *And be it further enacted*, That, if a register of wills, or any person for him, shall take greater fees than herein before expressed, such officer shall forfeit and pay the party injured fifty dollars, to be recovered as debts of the same amount are recoverable. *Provided, always*, That the judges of the orphans' court may allow to the registers [register] of wills, reasonable fees for any service he may have rendered, not specified in this act.

Register to pay fifty dollars to any person from whom he shall take greater fees than expressed in this act.

SEC. 4. *And be it further enacted*, That the register [registers] of wills of the counties of Washington and Alexandria, in the District of Columbia, shall be allowed by the levy courts of their respective counties, for all record books and dockets necessarily furnished for their respective offices, which allowance shall be levied and collected as other county charges are.

Levy courts to allow the registers for all records, &c., furnished their respective offices.

APPROVED, May 26, 1824.

STATUTE I.

CHAP. CXCII.—*An Act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and one half per cent., for certain stocks bearing an interest of six per cent.*

May 26, 1824.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby, empowered to borrow, on or before the first day of April next, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest, payable quarter yearly,

The President empowered to borrow a sum of money not exceeding \$5,000,000.

not exceeding four and one half per centum per annum, and reimbursable at the pleasure of the government, at any time after the thirty-first day of December, one thousand eight hundred and thirty-one, to be applied, in addition to the moneys which may be in the treasury at the time of borrowing the same, to pay off and discharge such part of the six per cent. stock of the United States, of the year one thousand eight hundred and twelve, as may be redeemable after the first day of January next.

The Bank of the United States to lend the same or any part thereof.

SEC. 2. *And be it further enacted,* That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the register of the treasury, or by a commissioner of loans, for the whole, or for any part thereof, bearing an interest not exceeding four and one half per centum per annum, transferable [transferable] and reimbursable as aforesaid, and to cause the said certificates of stock to be sold: *Provided,* That no stock be sold under par.

A subscription to the amount of 15,000,000 dollars proposed.

SEC. 3. *And be it further enacted,* That a subscription, to the amount of fifteen millions of dollars, of the six per cent. stock of the year one thousand eight hundred and thirteen, be, and the same is hereby, proposed; for which purpose, books shall be opened at the treasury of the United States, and at the several loan offices, on the first day of July next, to continue open until the first day of October thereafter, for such parts of the above-mentioned description of stock as shall, on the day of subscription, stand on the books of the treasury, and on those of the several loan offices, respectively; which subscription shall be effected, by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock so subscribed.

Credits shall be entered to subscribers who are entitled to certificates.

SEC. 4. *And be it further enacted,* That, for the whole or any part of any sum which shall be thus subscribed, credits shall be entered to the respective subscribers, who shall be entitled to a certificate, or certificates, purporting that the United States owe to the holder, or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of four and one half per centum per annum, payable quarterly, from the thirtieth day of September, one thousand eight hundred and twenty-four, transferable [transferable] in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, as follows: One half at any time after the thirty-first day of December, one thousand eight hundred and thirty-two, and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided,* That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such intended reimbursement. And it shall be the duty of the Secretary of the Treasury to cause to be re-transferred, to the respective subscribers, the several sums by them subscribed, beyond the amount of the certificates of five per cent. stock, issued to them, respectively.

Proviso.

Funds pledged for interest to remain the same.

SEC. 5. *And be it further enacted,* That the same funds which have heretofore been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be created or subscribed by virtue of the provisions of this act, shall remain pledged, in like manner, for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of the sinking fund to cause to be applied and paid, out of the said fund, yearly, and every year, such sum and sums as may

Duty of the commissioners of the sinking fund.

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

SEC. 6. *And be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States, who shall not subscribe to the loan to be opened by virtue of this act.

APPROVED, May 26, 1824.

Not to impair the rights of those creditors of the United States who shall not subscribe to the loan.

STATUTE I.

May 26, 1824.

CHAP. CXCIV.—*An Act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be, and hereby is, reserved, for the use of the chiefs and tribe of Wyandot Indians, subject to the conditions and limitations of the former reservation, the north-east quarter of section numbered two, in township two, and range seventeen, south of the base line, of land, in the Delaware land district, in the state of Ohio, in lieu of one hundred and sixty acres of land, on the west side of, and adjoining, the Sandusky river; and which was reserved to said tribe of Indians, by a supplementary treaty between the United States and certain tribes of Indians, held at St. Mary's, in the state of Ohio, on the seventeenth day of September, eighteen hundred and eighteen; on condition that the chiefs of said Wyandot tribe first relinquish to the United States all the right, title, and claim, of said tribe, to the one hundred and sixty acres of land reserved by said supplementary treaty.

APPROVED, May 26, 1824.

The north quarter section numbered two, in township two and range seventeen, in the Delaware land district, Ohio, reserved for the use of the Wyandot tribe of Indians.

STATUTE I.

May 26, 1824.

CHAP. CXCV.—*An Act supplementary to the act "to incorporate the inhabitants of the city of Washington," passed the fifteenth of May, one thousand eight 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 so much of the act, entitled "An act to incorporate the inhabitants of the city of Washington, and to repeal all acts heretofore passed for that purpose," passed May fifteenth, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That public notice of the time and place of the sale of all real property, for taxes due the corporation of the city of Washington, shall be given in all cases hereafter, by advertisement, inserted in some newspaper published in the said city, once in each week, for at least twelve successive weeks, in which advertisement shall be stated the number of the square or squares, the number of the lot or lots, (if the square has been divided into lots,) the name or names of the per-

Part of the act of May 15, 1820, ch. 104, repealed.

Public notice of the time and place of sale of all real property for taxes due the corporation of Washington to be given.

(a) Notes of the acts relating to the corporation of Washington, vol. ii. 254—721.  
Decisions of the Supreme Court on the provisions of the act incorporating the city of Washington and authorizing the laying of taxes, vol. ii. 721.

son or persons to whom the same may be assessed on the books of the corporation at the time of such advertisement, the amount of the tax due on each square or lot, the period for which the same shall be due, and the aggregate amount of taxes due on all real property assessed in the name of the same person or persons; but, where a whole square is assessed to the same person or persons, although divided into lots, it may be assessed and advertised, as if the same was not divided. And no sale of real property, for taxes, hereafter made, shall be impaired, or void, by reason of such property not being assessed, or advertised, in the name or names of the lawful owner or owners thereof, provided the same shall be advertised as above directed, or by reason of the amount of taxes due thereon not being correctly stated. (a)

Where sales shall not have been made according to law for taxes due the said corporation, on application of the purchaser, such sum shall be refunded him as he paid on said purchase.

SEC. 3. *And be it further enacted*, That in all cases of sales of real property, for taxes due the said corporation, where such sale shall not have been made according to law, and void, it shall be lawful for the said corporation, on the application of the purchaser, or other person entitled under him, to refund and pay to such person or persons, the amount paid by him or them, on account of such purchase; and, also, the subsequent taxes accrued and paid on the said property, and to re-assess the amount of taxes so refunded, on the property on which the same shall have accrued, which shall be collected in the manner as provided by law for the collection of other taxes at any time after the first day of January next, after the same shall be so re-assessed.

Where there are a number of lots assessed to the same person, the corporation is authorized to sell one or more of them for the taxes due on the whole.

SEC. 4. *And be it further enacted*, That it shall be lawful for the said corporation, where there shall be a number of lots assessed to the same person or persons, to sell one, or more, of such lots, for the taxes and expenses due on the whole; and, also, to provide for the sale of any part of a lot, for the taxes and expenses due on the said lot, or other lots assessed to the same person, as may appear expedient according to such rules and regulations as the said corporation may prescribe.

In case of the death, &c. of any commissioner of election, &c.

SEC. 5. *And be it further enacted*, That, in case of the death, resignation, or inability to serve, of any commissioner of election, it shall be lawful for the mayor, or in case of his absence, or inability to perform that duty, for the register of the city, to make an appointment, in writing, to fill any such vacancy, which appointment shall be returned to the register, with the return of such election.

Proprietors allowed the right of redemption.

SEC. 6. *And be it further enacted*, That the proprietor or proprietors of lots which may be sold under the provisions of this act, shall be allowed the right of redemption, in the same manner, and according to the like restrictions, contained in the act to which this is a supplement.

Public notice of the time and place of sale of any real property, chargeable with taxes, to be given.

SEC. 7. *And be it further enacted*, That public notice of the time and place of sale, of any real property chargeable with taxes, in Georgetown or Alexandria, in all cases hereafter, shall be given, once in each week, for twelve successive weeks, in some one newspaper printed in each of said places, and in the National Intelligencer, in which shall be stated the number of the lot or lots, or parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon.

In case the owner, &c. does not pay the amount of taxes on lots assessed, before the day of sale, so many as may be sufficient to discharge said amount shall be sold.

SEC. 8. *And be it further enacted*, That if, before the day of sale, advertised as aforesaid, the owner, his agent, or attorney, shall not pay the amount of taxes, with all costs thereon assessed, said lots, or so many as may be sufficient to discharge the same, shall be sold for cash, and to the highest bidder paying therefor; a certificate from the proper officer shall be issued, setting forth that he is the purchaser, and the amount paid by him; and if, at the expiration of twelve months from the day of sale, the owner shall not appear, and pay to the officer who sold the same, the mayor, or the purchaser, the amount of the purchase money, and cost, and taxes, accruing subsequent to the sale, and ten per centum

(a) See the case of Ronkendorf v. Taylor's lessee, 4 Peters, 349.

interest per annum on the purchase money, it shall and may be lawful for a title, in fee simple, at the expiration of said time, to be made to the purchaser: *Provided*, That no sale of real estate shall be made but where the owner or tenant of the property has not sufficient personal estate out of which to enforce a collection of the debt due, and where he has personal property, it shall be lawful to collect said taxes by distress and sale thereof.

*Proviso.*

Sec. 9. *And be it further enacted*, That, on or before the first day of April next, and every five years thereafter, each of the corporations of Washington, Georgetown, and Alexandria, shall cause three respectable freeholders, resident in said city and towns, respectively, being previously sworn, to assess and value, and make return of all and every species of property by law taxable, in said corporations; and, in making their said valuations, they shall determine it agreeably to what they believe it to be worth, in cash, at the time of the valuation.

All species of property, by law taxable, to be assessed.

Sec. 10. *And be it further enacted*, That, where any taxes have fallen due, and yet remain unpaid, or where any real estate has been sold by the corporation of Georgetown or Alexandria, which sale from any defect of proceeding in relation thereto, has been declared, or is considered void, said corporation may proceed, and are hereby authorized, to collect said taxes by sale of the real estate, liable, agreeably to the provisions of this act, in relation to other cases of collecting taxes hereafter to fall due: *Provided*, That, where any person, without notice of the outstanding taxes, has made a bona fide purchase from the legal owner of any real estate, previous to the fifteenth day of May, one thousand eight hundred and twenty-four, said real estate, so acquired, shall not be liable for the taxes due and owing previous to said purchase.

Course to be pursued where taxes have fallen due and remain unpaid.

*Proviso.*

Sec. 11. *And be it further enacted*, That all titles to property conveyed, as aforesaid, on sales for taxes, made in either of said places, shall be by deed from the mayor, under the seal of the corporation; which said conveyance shall be effectual, in law, to convey the title, the requisition of this act having been complied with.

All titles to property conveyed shall be by deed from the mayor.

Sec. 12. *And be it further enacted*, That, on any lot, or lots, or part of a lot, liable for taxes, as aforesaid, being sold, the amount, over and above the tax, cost, and charges, due upon the same, shall be paid over, on application, to the owner of said property.

Amount over the taxes, &c. due upon any lot sold for taxes, to be paid to the owner.

Sec. 13. *And be it further enacted*, That, where the payment of any taxes shall be made or enforced against any tenant, it shall not be lawful for the owner of said property, so made liable for the taxes, to recover of the tenant any rent for the property; but the same shall remain in his possession a lien for the debt, until such time as the rent accruing shall have discharged the same; and the said tenant shall be entitled to charge twenty-five per centum against the landlord, on the amount of the taxes so paid or enforced against him, except where he may have been previously in arrears for his rent.

Where the payment of any taxes shall be enforced against any tenant, it shall not be lawful for the owner of said property to recover of him any rent therefor.

Sec. 14. *And be it further enacted*, That, in all cases of any nuisance affecting, in the opinion of the board of health, the healthiness of the city of Washington, or inhabitants contiguous thereto, which may exist on any lot belonging to the United States, it shall be lawful to have the same removed, in the same manner, and under the same rules and regulations, that nuisances on private property are removed; and the expense of such removal or correction shall be defrayed out of any moneys in the hands of the city commissioner, for the sale of the public property in said city.

Nuisances to be removed.

APPROVED, May 26, 1824.

## RESOLUTIONS.

Feb. 4, 1824.

I. RESOLUTION *in relation to an intended visit of the Marquis de La Fayette to the United States.*

The Marquis de La Fayette having expressed his intention to revisit this country—

The President to communicate to the Marquis de La Fayette the attachments, for him, of this country.

A national ship to be sent for him, &c.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the government and people of the United States:

*And be it further resolved,* That, whenever the President shall be informed of the time when the marquis may be ready to embark, that a national ship, with suitable accommodation, be employed to bring him to the United States.

APPROVED, February 4, 1824.

May 26, 1824.

II. RESOLUTION *providing a place of deposit for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State.*

Portrait of Columbus to be placed in the library of Congress.

Copies of the Declaration of Independence to be distributed.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the portrait of Columbus, presented to the nation by G. G. Barrell, United States' Consul at Malaga, be placed in the library of Congress.

*Resolved,* That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following: two copies to each of the surviving signers of the Declaration of Independence; two copies to the President of the United States; two copies to the Vice President of the United States; two copies to the late President, Mr. Madison; two copies to the Marquis de Lafayette; twenty copies for the two houses of Congress; twelve copies for the different departments of the government; two copies for the President's House; two copies for the Supreme Court room; one copy to each of the governors of the states; and one to each branch of the legislatures of the states; one copy to each of the governors of the territories of the United States; and one copy to the legislative council of each territory; and the remaining copies to the different universities and colleges of the United States, as the President of the United States may direct.

The President to cause the distribution to be made.

*Resolved,* That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

APPROVED, May 26, 1824.