

ACTS OF THE TWENTY-SEVENTH 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 31st day of May, 1841, and ended the 11th day of September, 1841.

JOHN TYLER, President of the United States. SAMUEL L. SOUTHARD, President of the Senate, pro tempore. JOHN WHITE, Speaker of the House of Representatives.

STATUTE I.

CHAP. I.—*An Act making appropriations for the present session of Congress.*

June 25, 1841

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 be paid out of any unappropriated money in the Treasury, viz:

[Obsolete.]

Appropriations.

For the pay and mileage of the members of the Senate for the present session, sixty-eight thousand five hundred and forty-one dollars and sixty cents;

Senate—pay and mileage.

For the pay of the Chaplain of the Senate, five hundred dollars;

Chaplain.

For printing, stationery, and all other contingent expenses of the Senate for the present session, twenty thousand dollars;

Contingent expenses.

For the pay and mileage of the members of the House of Representatives, including five hundred dollars to the Chaplain, for the present session of Congress, two hundred and fifty-six thousand six hundred dollars;

House of Representatives—pay and mileage.

For the printing, stationery, and all other contingent expenses of the House of Representatives for the present session, thirty thousand eight hundred and thirty-six dollars.

Chaplain.
Contingent expenses.

For the supply of stationery for the House of Representatives for the second session of the twenty-seventh Congress, fifteen thousand dollars, or so much thereof as may be necessary: *Provided, always, That no part of the sums appropriated for the contingent expenses of either House of Congress, shall be applied to any other than the ordinary expenditures of the Senate and House of Representatives, nor as extra allowance to any clerk, messenger, or other attendant of the said two Houses, or either of them.*

Stationery for 2d session 27th Congress.

Contingent expenses of Congress, how to be applied.

APPROVED, June 25, 1841.

STATUTE I.

CHAP. II.—*An Act for the relief of Mrs. Harrison, widow of the late President of the United States.*

June 30, 1841.

[Obsolete.]

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 pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Harrison, widow of William Henry Harrison, late President of the United States, or, in the event of her death before payment, then to the legal representatives of the said William Henry Harrison, the sum of twenty-five thousand dollars: Provided always, That any sum of money which shall have been paid to the personal representatives

Appropriation to Mrs. Harrison.

Proviso.

of the said William Henry Harrison since his death, on account of his salary as President of the United States, shall be deducted from the said sum of twenty-five thousand dollars.

APPROVED, June 30, 1841.

STATUTE I.

July 21, 1841.

1842, ch. 26.
President authorized to borrow \$12,000,000 at 6 per cent.

When reimbursable.

The money borrowed, how to be applied.

Stock, how transferable.

Certificates of stock to be prepared and sold.

Proviso.

1842, ch. 287.

Sec. Treas. to receive proposals for the loan, or, &c.

Expenses incident to this act limited.

Sec. Treasury authorized to purchase stock prior to time of redemption.

Appropriation therefor.
Faith of U. S. pledged for punctual payment of interest, &c.

STATUTE I.

Aug. 1, 1841.

[Obsolete.]

Appropriation.

CHAP. III.—*An Act authorizing a loan not exceeding the sum of twelve millions of dollars.*

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 is hereby authorized, at any time within one year from the passage of this act, to borrow, on the credit of the United States, a sum not exceeding twelve millions of dollars, or so much thereof as in his opinion the exigencies of the Government may require, at a rate of interest, payable quarterly or semi-annually, not exceeding six per centum per annum, which loan shall be made reimbursable either at the will of the Secretary of the Treasury, after six months' notice, or at any time after three years from the first day of January next; and said money so borrowed shall be applied, in addition to the money now in the Treasury, or which may be received therein from other sources, to the payment and redemption of the Treasury notes heretofore authorized, which are or may be outstanding and unpaid, and to defray any of the public expenses which have been heretofore or which may be authorized by law, which stock shall be transferable only on the books of the Treasury.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized, with the consent of the President, to cause to be prepared certificates of stock, signed by the Secretary and countersigned by the Register of the Treasury, for the sum to be borrowed, or any part thereof, bearing an interest not exceeding six per centum per annum, and transferable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold: *Provided,* That no stock be sold below par.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to receive proposals for taking the said loan, or to employ an agent or agents for the purpose of negotiating the same, and to pay to him or them a reasonable commission, not exceeding one-tenth of one per cent. on the amount so negotiated, which sum to be allowed to such agent or agents, and such expense as may be necessarily incurred in printing and issuing certificates of stock, and other expenses incident to the due execution of this act, in all not exceeding twelve thousand dollars, which sum is hereby appropriated for that purpose, and shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That the Secretary of the Treasury is hereby authorized to purchase, at any time before the period herein limited for the redemption of stock hereby authorized, such portion thereof as the funds of the Government may admit of, after meeting all the demands on the Treasury, and any surplus in the Treasury is hereby appropriated to that object.

SEC. 5. *And be it further enacted,* That the faith of the United States be, and is hereby, pledged for the punctual payment of the interest and redemption of said stock.

APPROVED, July 21, 1841.

CHAP. IV.—*An Act making appropriation for the pay, subsistence, &c., of a home squadron.*

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

subsistence, increase and repairs, medicines and contingent expenses, of two frigates, two sloops, two small vessels, and two armed steamers, to be employed as a home squadron, the sum of seven hundred and eighty-nine thousand three hundred and ten dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, August 1, 1841.

CHAP. V.—*An Act making further provision for the maintenance of pauper lunatics 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 so much of the act entitled "An act making temporary provision for lunatics in the District of Columbia," approved February second, one thousand eight hundred and forty-one, as limits the appropriation to three thousand dollars, be, and the same is hereby, repealed, and the further sum of three thousand five hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to make immediate provision for the maintenance of pauper lunatics as provided for in the said act.

SEC. 2. *And be it further enacted,* That the marshal of the District of Columbia shall not be restricted to the asylum at Baltimore, but may provide for pauper lunatics at any public lunatic asylum in the United States, consulting economy in the selection.

APPROVED, August 3, 1841.

STATUTE I.

Aug. 3, 1841.

Act of Feb. 2, 1841, ch. 4.

So much of former act as limits the appropriation repealed, and a further appropriation made.

Marshal, not restricted to the asylum at Baltimore.

STATUTE I.

Aug. 13, 1841.

CHAP. VII.—*An Act to repeal the act entitled "An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue," and to provide for the punishment of embezzlers of public money, 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 act entitled "An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved on the fourth day of July A. D. one thousand eight hundred and forty, be, and the same is hereby, repealed: *Provided, always,* That, for any offences which may have been committed against the provisions of the seventeenth section of the said act, the offenders may be prosecuted and punished according to those provisions; and that all bonds executed under the provisions of said act, and all civil rights and liabilities which have arisen or accrued under said act, and the remedies therefor, shall remain and continue as if said act had not been repealed; any thing herein contained to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That if any officer charged with the safe-keeping, transfer, or disbursement of public moneys, or connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys entrusted to him for safe-keeping, transfer, disbursement, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony; and the neglect or refusal to pay over on demand any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon him, and signed by the Secretary of the Treasury, or to transfer or disburse any such moneys promptly according to law, on the legal requirement of a superior officer, shall be prima facie evidence of such conversion to his own use of so much of the public moneys as may be in his hands. Any officer or agent of the

Act of 4th July 1840, ch. 41. repealed.

Proviso.

Bonds, &c. not affected by the repeal.

Felony, for officers charged with safe-keeping, transfer, or disbursement of public moneys, &c. to use public moneys.

Neglect or refusal to pay over, transfer, or disburse such moneys, prima facie evidence of such use.

Punishment for said offence, &c.

Act of June 23, 1836, ch. 115, excepting 13th and 14th secs., repealed.

So much of act of 14th April 1836, ch. 52, as prohibits the payment by the U. S. of bank notes under certain denominations, repealed.

United States, and all persons advising, or knowingly and willingly participating in such embezzlement, upon being convicted thereof before any court of the United States of competent jurisdiction, shall, for every such offence, forfeit and pay to the United States a fine equal to the amount of the money embezzled, and shall suffer imprisonment for a term not less than six months nor more than five years.

SEC. 3. *And be it further enacted*, That the act entitled "An act to regulate the deposits of the public money," approved on the twenty-third day of June, eighteen hundred and thirty-six, excepting the thirteenth and fourteenth sections thereof, be and the same hereby is repealed.

SEC. 4. *And be it further enacted*, That so much of an act, passed the fourteenth of April, eighteen hundred and thirty-six, entitled "An act making appropriations for the payment of the Revolutionary and other pensioners of the United States, for the year eighteen hundred and thirty-six," as provides that no bank note of less denomination than ten dollars, and after the third day of March, eighteen hundred and thirty-seven, no bank note of less denomination than twenty dollars, shall be offered in payment in any case whatsoever, in which money is to be paid by the United States, or the Post Office Department, be, and the same hereby is, repealed.

APPROVED, August 13, 1841.

STATUTE I.

Aug. 16, 1841.

CHAP. VIII.—*An Act to provide for the payment of Navy Pensions.*

Appropriation.

Proviso; pensions under act 3d March 1837, ch. 33, limited.

No widow, &c. of any naval officer, &c. who may hereafter die, entitled, under the act of 1837, ch. 38.

No officer, &c. shall receive pay as a pensioner and officer in service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and thirty-nine thousand six hundred and sixty-six dollars and six cents is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the payment of pensions and half-pay chargeable on the navy pension fund: *Provided*, That all widows or children of all naval officers, seamen, or marines, now deceased, and entitled to receive or make proof of their pensions under the act of the third of March, eighteen hundred and thirty-seven, shall receive the same until the close of the next session of Congress; but no widows or children of any naval officer, seaman, or marine, who may hereafter die, shall be entitled to any pension by virtue only of any provision in the said act.

SEC. 2. *And be it further enacted*, That no officer, seaman, or marine, entitled to a pension from the navy pension fund, who receives pay from the public treasury, shall receive more from the said fund than is sufficient to make the whole amount received from both the above-named sources equal to the pay fixed by law for the grade to which the officer, seaman, or marine may belong as an officer in the services in which he may be engaged, during the year, so that no officer shall receive pay at the same time both as a pensioner and an officer in service.

APPROVED, August 16, 1841.

STATUTE I.

Aug. 19, 1841.

Repealed, 3d March 1843, ch. 82.

CHAP. IX.—*An Act to establish a uniform system of bankruptcy throughout the United States.* (a)

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, established throughout the United States, a uniform system of bank-

(a) See notes of the decisions of the courts of the United States on the bankrupt act of April 4, 1800, vol. 2, 19.

In the case of Nelson, a petitioner in bankruptcy, in the Kentucky district, and Carland, an opposing creditor, several points were adjourned by the district to the circuit court. Upon the hearing of the case in the circuit court, the district judge, as well as the justice of the Supreme Court, sat in the case; and,

ruptcy, as follows: All persons whatsoever, residing in any State, District or Territory of the United States, owing debts, which shall not have been created in consequence of a defalcation as a public officer; or as executor, administrator, guardian or trustee, or while acting in any other fiduciary capacity, who shall, by petition, setting forth to the best of his knowledge and belief, a list of his or their creditors, their respective places of residence, and the amount due to each, together with an accurate inventory of his or their property, rights, and credits, of every name, kind, and description, and the location and situation of each and every parcel and portion thereof, verified by oath, or, if conscientiously scrupulous of taking an oath, by solemn affirmation, apply to the proper court, as hereinafter mentioned, for the benefit of this act, and therein declare themselves to be unable to meet their debts and engagements, shall be deemed bankrupts within the purview of this act, and may be so declared accordingly by a decree of such court; all persons, being merchants, or using the trade of merchandise, all retailers of merchandise, and all bankers, factors, brokers, underwriters, or marine insurers, owing debts to the amount of not less than two thousand

Uniform system of bankruptcy estab'd. All persons owing debts not created by defalcation, &c. may be declared bankrupts.

Merchants, bankers, &c., on petition of their creditors, may be declared bankrupts in certain cases.

being opposed in opinion upon questions adjourned from the district court, they were certified to the Supreme Court on the motion of the counsel of the petitioner. *Held*, that the district judge cannot sit as a member of the circuit court, under the "Act to establish a uniform system of bankruptcy throughout the United States." Consequently, the points adjourned could not be brought before the Supreme Court on a certificate of division. *Nelson v. Carland*, 17 *Peters' Rep.*, 181; *S. C.*, 1 *Howard*, 265.

An appeal or writ of error will not lie from the decision of the circuit court, in a case of bankruptcy, adjourned from the district court. The decision of the circuit court is conclusive on the district judge. *Ibid.*

Under the late bankrupt act of the United States, the existence of a fiduciary debt, contracted before the passage of the act, constitutes no objection to the discharge of the debtor from other debts. *Chapman v. Forsyth*, 2 *Howard*, 202.

A factor, who receives the money of his principal, is not a fiduciary, within the meaning of the act. *Ibid.*

A bankrupt is bound to state, upon his schedule, the nature of a debt if it be a fiduciary one. Should he omit to do so, he would be guilty of a fraud, and his discharge will not avail him; but if a creditor, in such case, proves his debt and receives a dividend from the estate, he is estopped from afterwards saying that his debt was not within the law. *Ibid.*

But if the fiduciary creditor does not prove his debt, he may recover it afterwards from the discharged bankrupt, by showing that it was within the exceptions of the act. *Ibid.*

In Kentucky, the creditor obtains a lien upon the property of his debtor by the delivery of a *fi. fa.* to the sheriff; and this lien is as absolute before the levy as it is afterwards. *Savage's Assignee v. Best*, 3 *Howard*, 111.

Therefore, a creditor is not deprived of this lien by an act of bankruptcy on the part of the debtor omitted before the levy is made, but after the execution is in the hands of the sheriff. *Ibid.*

This court has no revising power over the decrees of the district court sitting in bankruptcy; nor is it authorized to issue a writ of prohibition to it in any case, except where the district is proceeding as a court of admiralty and maritime jurisdiction. *Ex parte Christy*, 3 *Howard*, 292.

The district court, when sitting in bankruptcy, has jurisdiction over liens and mortgages existing upon the property of a bankrupt, so as to inquire into their validity and extent, and grant the same relief which the state courts might or ought to grant. *Ibid.*

The control of the district court over proceedings in the state courts upon such liens, is exercised, not over the state courts themselves, but upon the parties, through an injunction or other appropriate proceeding in equity. *Ibid.*

The design of the bankrupt act was to secure a prompt and effectual administration of the estate of all bankrupts, worked out by the courts of the United States, without the assistance of state tribunals. *Ibid.*

The phrase in the 6th section, "any creditor or creditors who shall claim any debt or demand under the bankruptcy," does not mean only such creditors who come in and prove their debts, but all creditors who have a present subsisting claim upon the bankrupt's estate, whether they have a security or mortgage therefor, or not. *Ibid.*

Such creditors have a right to ask that the property mortgaged shall be sold, and the proceeds applied towards the payment of their debts; and the assignee, on the other hand, may contest their claims. *Ibid.*

In the case of a contested claim, the district court has jurisdiction, if resort be had to a formal bill in equity or other plenary proceeding; and also jurisdiction to proceed summarily. *Ibid.*

The principles established in the case of *Ex parte the City Bank of New Orleans* in the matter of *Christy*, assignee of *Walden*, reviewed and confirmed. *Ibid.*

But this court does not decide whether or not the jurisdiction of the district court over all the property of a bankrupt, mortgaged or otherwise, is exclusive, so as to take it away from the state courts in such cases. *Norton's Assignee v. Boyd*, 3 *Howard*, 426.

Where the defendant below became a bankrupt, the Supreme Court will not award a superseas to stay an execution, because the assignee of the bankrupt has his remedy in the circuit court. *Black v. Zacharie*, 3 *Howard*, 483.

dollars, shall be liable to become bankrupts within the true intent and meaning of this act, and may, upon the petition of one or more of their creditors, to whom they owe debts amounting in the whole to not less than five hundred dollars, to the appropriate court, be so declared accordingly, in the following cases, to wit: whenever such person, being a merchant, or actually using the trade of merchandise, or being a retailer of merchandise, or being a banker, factor, broker, underwriter, or marine insurer, shall depart from the State, District, or Territory, of which he is an inhabitant, with intent to defraud his creditors; or shall conceal himself to avoid being arrested; or shall willingly or fraudulently procure himself to be arrested, or his goods and chattels, lands, or tenements, to be attached, distrained, sequestered, or taken in execution; or shall remove his goods, chattels, and effects, or conceal them to prevent their being levied upon, or taken in execution, or by other process; or make any fraudulent conveyance, assignment, sale, gift, or other transfer of his lands, tenements, goods or chattels, credits, or evidence of debt: *Provided, however,* That any person so declared a bankrupt, at the instance of a creditor, may, at his election, by petition to such court within ten days after its decree, be entitled to a trial by jury before such court, to ascertain the fact of such bankruptcy; or if such person shall reside at a great distance from the place of holding such court, the said judge, in his discretion, may direct such trial by jury to be had in the county of such person's residence, in such manner, and under such directions, as the said court may prescribe and give; and all such decrees passed by such court, and not so re-examined, shall be deemed final and conclusive as to the subject-matter thereof.

Proviso; persons declared bankrupts at the instance of creditors, entitled to trial by jury.

Where persons reside at a great distance.

Payments, &c. made in contemplation of bankruptcy, &c.

Assignee under the bankruptcy may recover the same, as part of the assets.

Such preferences prevent a discharge.

Proviso.

Preference to any creditor to prevent a discharge, &c.

Proviso.

SEC. 2. *And be it further enacted,* That all future payments, securities, conveyances, or transfers of property, or agreements made or given by any bankrupt, in contemplation of bankruptcy, and for the purpose of giving any creditor, endorser, surety, or other person, any preference or priority over the general creditors of such bankrupts; and all other payments, securities, conveyances, or transfers of property, or agreements made or given by such bankrupt in contemplation of bankruptcy, to any person or persons whatever, not being a bona fide creditor or purchaser, for a valuable consideration, without notice, shall be deemed utterly void, and a fraud upon this act; and the assignee under the bankruptcy shall be entitled to claim, sue for, recover, and receive the same as part of the assets of the bankruptcy; and the person making such unlawful preferences and payments shall receive no discharge under the provisions of this act: *Provided,* That all dealings and transactions by and with any bankrupt, bona fide made and entered into more than two months before the petition filed against him, or by him, shall not be invalidated or affected by this act: *Provided,* That the other party to any such dealings or transactions had no notice of a prior act of bankruptcy, or of the intention of the bankrupt to take the benefit of this act. And in case it shall be made to appear to the court, in the course of the proceedings in bankruptcy, that the bankrupt, his application being voluntary, has, subsequent to the first day of January last, or at any other time, in contemplation of the passage of a bankrupt law, by assignments or otherwise, given or secured any preference to one creditor over another, he shall not receive a discharge unless the same be assented to by a majority in interest of those of his creditors who have not been so preferred: *And provided, also,* That nothing in this act contained shall be construed to annul, destroy, or impair any lawful rights of married women, or minors, or any liens, mortgages, or other securities on property, real or personal, which may be valid by the laws of the States respectively, and which are not inconsistent with the provisions of the second and fifth sections of this act.

SEC. 3. *And be it further enacted,* That all the property, and rights

of property, of every name and nature, and whether real, personal, or mixed, of every bankrupt, except as is hereinafter provided, who shall, by a decree of the proper court, be declared to be a bankrupt within this act, shall, by mere operation of law, ipso facto, from the time of such decree, be deemed to be divested out of such bankrupt, without any other act, assignment, or other conveyance whatsoever; and the same shall be vested, by force of the same decree, in such assignee as from time to time shall be appointed by the proper court for this purpose. which power of appointment and removal such court may exercise at its discretion, toties quoties; and the assignee so appointed shall be vested with all the rights, titles, powers, and authorities to sell, manage, and dispose of the same, and to sue for and defend the same, subject to the orders and directions of such court, as fully, to all intents and purposes, as if the same were vested in, or might be exercised by, such bankrupt before or at the time of his bankruptcy declared as aforesaid; and all suits in law or in equity, then pending, in which such bankrupt is a party, may be prosecuted and defended by such assignee to its final conclusion, in the same way, and with the same effect as they might have been by such bankrupt; and no suit commenced by or against any assignee shall be abated by his death or removal from office, but the same may be prosecuted or defended by his successor in the same office; *Provided, however,* That there shall be excepted from the operation of the provisions of this section the necessary household and kitchen furniture, and such other articles and necessaries of such bankrupt as the said assignee shall designate and set apart, having reference in the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of three hundred dollars; and, also, the wearing apparel of such bankrupt, and that of his wife and children; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of said court.

All property, &c. except, &c. vested in an assignee.

Court may appoint and remove the assignee. Rights and powers of the assignee.

Proviso.

SEC. 4. *And be it further enacted,* That every bankrupt, who shall bona fide surrender all his property, and rights of property, with the exception before mentioned, for the benefit of his creditors, and shall fully comply with and obey all the orders and directions which may from time to time be passed by the proper court, and shall otherwise conform to all the other requisitions of this act, shall (unless a majority in number and value of his creditors who have proved their debts, shall file their written dissent thereto) be entitled to a full discharge from all his debts, to be decreed and allowed by the court which has declared him a bankrupt, and a certificate thereof granted to him by such court accordingly, upon his petition filed for such purpose; such discharge and certificate not, however, to be granted until after ninety days from the decree of bankruptcy, nor until after seventy days' notice in some public newspaper, designated by such court, to all creditors who have proved their debts, and other persons in interest, to appear at a particular time and place, to show cause why such discharge and certificate shall not be granted; at which time and place any such creditors, or other persons in interest, may appear and contest the right of the bankrupt thereto: *Provided,* That in all cases where the residence of the creditor is known, a service on him personally, or by letter addressed to him at his known usual place of residence, shall be prescribed by the court, as in their discretion shall seem proper, having regard to the distance at which the creditor resides from such court. And if any such bankrupt shall be guilty of any fraud or wilful concealment of his property or rights of property, or shall have preferred any of his creditors contrary to the provisions of this act, or shall wilfully omit or refuse to comply with any orders or directions of such court, or to conform to any other requisites of this act, or shall, in the proceedings under this

What bankrupts entitled to a full discharge, &c.

Such discharge and certificate not to be granted until after a certain time, &c.

Proviso.

What bankrupts not entitled to a discharge or certificate.

act, admit a false or fictitious debt against his estate, he shall not be entitled to any such discharge or certificate; nor shall any person, being a merchant, banker, factor, broker, underwriter, or marine insurer, be entitled to any such discharge or certificate, who shall become bankrupt, and who shall not have kept proper books of account, after the passing of this act; nor any person who, after the passing of this act, shall apply trust funds to his own use: *Provided*, That no discharge of any bankrupt under this act shall release or discharge any person who may be liable for the same debt as a partner, joint contractor, endorser, surety, or otherwise, for or with the bankrupt. And such bankrupt shall at all times be subject to examination, orally, or upon written interrogatories, in and before such court, or any commission appointed by the court therefor, on oath, or, if conscientiously scrupulous of taking an oath, upon his solemn affirmation, in all matters relating to such bankruptcy, and his acts and doings, and his property and rights of property, which, in the judgment of such court, are necessary and proper for the purposes of justice; and if in any such examination, he shall wilfully and corruptly answer, or swear, or affirm, falsely, he shall be deemed guilty of perjury, and shall be punishable therefor, in like manner as the crime of perjury is now punishable by the laws of the United States; and such discharge and certificate, when duly granted, shall, in all courts of justice, be deemed a full and complete discharge of all debts, contracts, and other engagements of such bankrupt, which are proveable under this act, and shall be and may be pleaded as a full and complete bar to all suits brought in any court of judicature whatever, and the same shall be conclusive evidence of itself in favor of such bankrupt, unless the same shall be impeached for some fraud or wilful concealment by him of his property or rights of property, as aforesaid, contrary to the provisions of this act, on prior reasonable notice specifying in writing such fraud or concealment; and if, in any case of bankruptcy, a majority, in number and value, of the creditors who shall have proved their debts at the time of hearing of the petition of the bankrupt for a discharge as hereinbefore provided, shall at such hearing file their written dissent to the allowance of a discharge and certificate to such bankrupt, or if, upon such hearing, a discharge shall not be decreed to him, the bankrupt may demand a trial by jury upon a proper issue to be directed by the court, at such time and place, and in such manner, as the court may order; or he may appeal from that decision, at any time within ten days thereafter, to the circuit court next to be held for the same district, by simply entering in the district court, or with the clerk thereof, upon record, his prayer for an appeal. The appeal shall be tried at the first term of the circuit court after it be taken, unless, for sufficient reason, a continuance be granted; and it may be heard and determined by said court summarily, or by a jury, at the option of the bankrupt; and the creditors may appear and object against a decree of discharge and the allowance of the certificate, as hereinbefore provided. And if, upon a full hearing of the parties, it shall appear to the satisfaction of the court, or the jury shall find that the bankrupt has made a full disclosure and surrender of all his estate, as by this act required, and has in all things conformed to the directions thereof, the court shall make a decree of discharge, and grant a certificate, as provided in this act.

SEC. 5. *And be it further enacted*, That all creditors coming in and proving their debts under such bankruptcy, in the manner hereinafter prescribed, the same being bona fide debts, shall be entitled to share in the bankrupt's property and effects, pro rata, without any priority or preference whatsoever, except only for debts due by such bankrupt to the United States, and for all debts due by him to persons who, by the laws of the United States, have a preference, in consequence of having

Proviso.

Bankrupts subject to examination under oath.

Perjury.

Such discharge and certificate to be deemed a complete discharge, unless, &c.

Bankrupts failing to obtain a discharge, may demand a trial by jury, or appeal to the circuit court.

Appeal to be tried, when and how.

Decree of discharge may be made, and a certificate granted, upon a certain finding.

Creditors to share the bankrupt's property, how.

Debts to U. States, or for money paid by sureties, to be first paid.

paid moneys as his sureties, which shall be first paid out of the assets; and any person who shall have performed any labor as an operative in the service of any bankrupt shall be entitled to receive the full amount of the wages due to him for such labor, not exceeding twenty-five dollars; *Provided*, That such labor shall have been performed within six months next before the bankruptcy of his employer; and all creditors whose debts are not due and payable until a future day, all annuitants, holders of bottomry and respondentia bonds, holders of policies of insurances, sureties, endorsers, bail, or other persons, having uncertain or contingent demands against such bankrupt, shall be permitted to come in and prove such debts or claims under this act, and shall have a right, when their debts and claims become absolute, to have the same allowed them; and such annuitants and holders of debts payable in future may have the present value thereof ascertained, under the direction of such court, and allowed them accordingly, as debts in presenti; and no creditor or other person, coming in and proving his debt or other claim, shall be allowed to maintain any suit at law or in equity therefor, but shall be deemed thereby to have waived all right of action and suit against such bankrupt; and all proceedings already commenced, and all unsatisfied judgments already obtained thereon, shall be deemed to be surrendered thereby; and in all cases where there are mutual debts or mutual credits between the parties, the balance only shall be deemed the true debt or claim between them, and the residue shall be deemed adjusted by the set-off; all such proof of debts shall be made before the court decreeing the bankruptcy, or before some commissioner appointed by the court for that purpose; but such court shall have full power to set aside and disallow any debt, upon proof that such debt is founded in fraud, imposition, illegality, or mistake; and corporations to whom any debts are due, may make proof thereof by their president, cashier, treasurer, or other officer, who may be specially appointed for that purpose; and in appointing commissioners to receive proof of debts, and perform other duties, under the provisions of this act, the said court shall appoint such persons as have their residence in the county in which the bankrupt lives.

Operatives entitled to full amount of wages for labour, not exceeding \$25, *Proviso.*

Value of debts payable in future may be ascertained and allowed.

Suits not maintainable on debts or claims proved under this act.

In mutual debts or credits, the balance to be the true debt. *Proof of debts.*

Corporations may prove debts by an officer thereof.

Commissioners to be residents of the county where the bankrupt lives.

District courts to have jurisdiction in all matters of bankruptcy.

Judge may adjourn any point to the circuit court.

Cases to which the jurisdiction of the district courts shall extend.

Courts may compel obedience to their orders and decrees.

District courts to prescribe rules, &c.

SEC. 6. *And be it further enacted*, That the district court in every district shall have jurisdiction in all matters and proceedings in bankruptcy arising under this act, and any other act which may hereafter be passed on the subject of bankruptcy; the said jurisdiction to be exercised summarily, in the nature of summary proceedings in equity; and for this purpose the said district court shall be deemed always open. And the district judge may adjourn any point or question arising in any case in bankruptcy into the circuit court for the district, in his discretion, to be there heard and determined; and for this purpose the circuit court of such district shall also be deemed always open. And the jurisdiction hereby conferred on the district court shall extend to all cases and controversies in bankruptcy arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to all cases and controversies between such creditor or creditors and the assignee of the estate, whether in office or removed; to all cases and controversies between such assignee and the bankrupt, and to all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy. And the said courts shall have full authority and jurisdiction to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent the circuit courts may now do in any suit pending therein in equity. And it shall be the duty of the district court in each district, from time to time, to prescribe suitable rules and regulations, and forms of proceed-

ings, in all matters of bankruptcy; which rules, regulations, and forms, shall be subject to be altered, added to, revised, or annulled, by the circuit court of the same district, and other rules and regulations, and forms substituted therefor; and, in all such rules, regulations, and forms, it shall be the duty of the said courts to make them as simple and brief as practicable, to the end to avoid all unnecessary expenses, and to facilitate the use thereof by the public at large. And the said courts shall, from time to time, prescribe a tariff or table of fees and charges to be taxed by the officers of the court or other persons, for services under this act, or any other on the subject of bankruptcy; which fees shall be as low as practicable, with reference to the nature and character of such services.

Said courts to prescribe a tariff of fees and charges for services under this act.

Proceedings, where to be had.

At least 20 days' notice to be given.

Evidence by witnesses to be under oath, &c.

Proof of debts, &c. to be under oath, &c.

Such proofs open to contestation, &c.

Circuit courts to have concurrent jurisdiction with district courts, in certain cases.

Such suits to be brought within two years.

SEC. 7. *And be it further enacted*, That all petitions by any bankrupt for the benefit of this act, and all petitions by a creditor against any bankrupt under this act, and all proceedings in the case to the close thereof, shall be had in the district court within and for the district in which the person supposed to be a bankrupt shall reside, or have his place of business at the time when such petition is filed, except where otherwise provided in this act. And upon every such petition, notice thereof shall be published in one or more public newspapers printed in such district, to be designated by such court at least twenty days before the hearing thereof; and all persons interested may appear at the time and place where the hearing is thus to be had, and show cause, if any they have, why the prayer of the said petitioner should not be granted; all evidence by witnesses to be used in all hearings before such court shall be under oath, or solemn affirmation, when the party is conscientiously scrupulous of taking an oath, and may be oral or by deposition, taken before such court, or before any commissioner appointed by such court, or before any disinterested State judge of the State in which the deposition is taken; and all proof of debts or other claims, by creditors entitled to prove the same by this act, shall be under oath or solemn affirmations as aforesaid, before such court or commissioner appointed thereby, or before some disinterested State judge of the State where the creditors live, in such form as may be prescribed by the rules and regulations hereinbefore authorized to be made and established by the courts having jurisdiction in bankruptcy. But all such proofs of debts and other claims shall be open to contestation in the proper court having jurisdiction over the proceedings in the particular case in bankruptcy; and as well the assignee as the creditor shall have a right to a trial by jury, upon an issue to be directed by such court, to ascertain the validity and amount of such debts or other claims; and the result therein, unless a new trial shall be granted, if in favor of the claims, shall be evidence of the validity and amount of such debts or other claims. And if any person or persons shall falsely and corruptly answer, swear, or affirm, in any hearing or on trial of any matter, or in any proceeding in such court in bankruptcy, or before any commissioner, he and they shall be deemed guilty of perjury, and punishable therefor in the manner and to the extent provided by law for other cases.

SEC. 8. *And be it further enacted*, That the circuit court within and for the district where the decree of bankruptcy is passed, shall have concurrent jurisdiction with the district court of the same district of all suits at law and in equity which may and shall be brought by any assignee of the bankrupt against any person or persons claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to, or vested in, such assignee; and no suit at law or in equity shall, in any case, be maintainable by or against such assignee or by or against any person claiming an adverse interest touching the property and rights of property aforesaid, in any court whatsoever unless the same shall be brought

within two years after the declaration and decree of bankruptcy, or after the cause of suit shall first have accrued.

SEC. 9. *And be it further enacted*, That all sales, transfers, and other conveyances of the assignee of the bankrupt's property and rights of property, shall be made at such times and in such manner as shall be ordered and appointed by the court in bankruptcy; and all assets received by the assignee in money, shall, within sixty days afterwards, be paid into the court, subject to its order respecting its future safe-keeping and disposition; and the court may require of such assignee a bond, with at least two sureties, in such sum as it may deem proper, conditioned for the due and faithful discharge of all his duties, and his compliance with the orders and directions of the court; which bond shall be taken in the name of the United States, and shall, if there be any breach thereof, be sued and sueable, under the order of such court, for the benefit of the creditors and other persons in interest.

Sales, &c. by the assignee, when and how to be made.

Assignee may be required to give bond.

SEC. 10. *And be it further enacted*, That in order to ensure a speedy settlement and close of the proceedings in each case in bankruptcy, it shall be the duty of the court to order and direct a collection of the assets, and a reduction of the same to money, and a distribution thereof at as early periods as practicable, consistently with a due regard to the interests of the creditors: and a dividend and distribution of such assets as shall be collected and reduced to money, or so much thereof as can be safely so disposed of, consistently with the rights and interests of third persons having adverse claims thereto, shall be made among the creditors who have proved their debts, as often as once in six months from the time of the decree declaring the bankruptcy; notice of such dividends and distribution to be given in some newspaper or newspapers in the district, designated by the court, ten days at least before the order therefor is passed; and the pendency of any suit at law or in equity, by or against such third persons, shall not postpone such division and distribution, except so far as the assets may be necessary to satisfy the same; and all the proceedings in bankruptcy in each case shall, if practicable, be finally adjusted, settled, and brought to a close, by the court, within two years after the decree declaring the bankruptcy. And where any creditor shall not have proved his debt until a dividend or distribution shall have been made and declared, he shall be entitled to be paid the same amount, pro rata, out of the remaining dividends or distributions thereafter made, as the other creditors have already received, before the latter shall be entitled to any portion thereof.

Collection of assets, distribution, &c.

Dividend and distribution.

Notice thereof to be given.

Proceedings, if practicable, to be closed in two years.

Debts not proved until a dividend has been made, how to be paid.

SEC. 11. *And be it further enacted*, That the assignee shall have full authority, by and under the order and direction of the proper court in bankruptcy, to redeem and discharge any mortgage or other pledge, or deposit, or lien upon any property, real or personal, whether payable in present or at a future day, and to tender a due performance of the conditions thereof. And such assignee shall also have authority, by and under the order and direction of the proper court in bankruptcy, to compound any debts, or other claims, or securities due or belonging to the estate of the bankrupt; but no such order or direction shall be made until notice of the application is given in some public newspaper in the district, to be designated by the court, ten days at least before the hearing, so that all creditors and other persons in interest may appear and show cause, if any they have, at the hearing, why the order or direction should not be passed.

Assignee, by order of the court, may redeem and discharge any mortgage, &c.

And compound debts, &c. due the estate.

SEC. 12. *And be it further enacted*, That if any person, who shall have been discharged under this act, shall afterward become bankrupt, he shall not again be entitled to a discharge under this act, unless his estate shall produce (after all charges) sufficient to pay every creditor seventy-five per cent. on the amount of the debt which shall have been allowed to each creditor.

Persons once discharged, becoming bankrupts again, not to be discharged unless, &c.

Proceedings to be matters of record—how to be kept.

Fees to clerk of court.

Allowance to court officers.

On partners in trade becoming insolvent.

Joint and separate debts.

Creditors, &c. may prove debts.

Assignees to keep separate accounts.

Nett proceeds of joint stock to be paid to creditors of the company.

And of separate estates, to separate creditors. Balance, of separate estate, to be added to joint stock.

And of joint stock, to be divided among separate estates.

Certificate of discharge to each partner.

Decree of bankruptcy, &c. to be recited in deeds of lands.

Such deeds to effectually pass the title of the bankrupt.

Jurisdiction conferred upon the circuit court

SEC. 13. *And be it further enacted*, That the proceedings in all cases in bankruptcy shall be deemed matters of record; but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered, in the office of the court, and a docket only, or short memorandum thereof, with the numbers, kept in a book by the clerk of the court; and the clerk of the court, for affixing his name and the seal of the court to any form, or certifying a copy thereof, when required thereto, shall be entitled to receive, as compensation, the sum of twenty-five cents and no more. And no officer of the court, or commissioner, shall be allowed by the court more than one dollar for taking the proof of any debt or other claim of any creditor or other person against the estate of the bankrupt; but he may be allowed, in addition, his actual travel expenses for that purpose.

SEC. 14. *And be it further enacted*, That where two or more persons, who are partners in trade, become insolvent, an order may be made in the manner provided in this act, either on the petition of such partners, or any one of them, or on the petition of any creditor of the partners; upon which order all the joint stock and property of the company, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are herein exempted; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignees shall also keep separate accounts of the joint stock or property of the company, and of the separate estate of each member thereof; and after deducting out of the whole amount received by such assignees the whole of the expenses and disbursements paid by them, the nett proceeds of the joint stock shall be appropriated to pay the creditors of the company, and the nett proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock, for the payment of the joint creditors; and if there shall be any balance of the joint stock, after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners, according to their respective rights and interests therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; and the certificate of discharge shall be granted or refused to each partner, as the same would or ought to be if the proceedings had been against him alone under this act; and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

SEC. 15. *And be it further enacted*, That a copy of any decree of bankruptcy, and the appointment of assignees, as directed by the third section of this act, shall be recited in every deed of lands belonging to the bankrupt, sold and conveyed by any assignees under and by virtue of this act; and that such recital, together with a certified copy of such order, shall be full and complete evidence both of the bankruptcy and assignment therein recited, and supersede the necessity of any other proof of such bankruptcy and assignment to validate the said deed; and all deeds containing such recital, and supported by such proof, shall be as effectual to pass the title of the bankrupt, of, in, and to the lands therein mentioned and described to the purchaser, as fully, to all intents and purposes, as if made by such bankrupt himself, immediately before such order.

SEC. 16. *And be it further enacted*, That all jurisdiction, power, and authority, conferred upon and vested in the district court of the United States by this act, in cases in bankruptcy, are hereby conferred upon

and vested in the circuit court of the United States for the District of Columbia, and in and upon the supreme or superior courts of any of the Territories of the United States, in cases in bankruptcy, where the bankrupt resides in the said District of Columbia, or in either of the said Territories.

SEC. 17. *And be it further enacted*, That this act shall take effect from and after the first day of February next.

APPROVED, August 19, 1841.

for District of Columbia, and supreme courts of territories.

This act to take effect from 1st Feb. next.

STATUTE I.

Aug. 19, 1841.

CHAP. X.—*An Act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the act entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight, as to all warrants issued prior to the tenth day of August, eighteen hundred and forty, and no others, be, and the same is hereby, revived, and to continue in force until the first day of January, eighteen hundred and forty-four.

APPROVED, August 19, 1841.

1848, ch. 93.

1st sec. act of 7th July 1838, ch. 166, revived and continued to 1st Jan. 1844

STATUTE I.

Aug. 19, 1841.

CHAP. XI.—*An Act to authorize the recovery of fines and forfeitures incurred under the charter, laws, and ordinances of Georgetown, before justices of the peace.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to remove all existing doubts as to the chartered powers of the Mayor, Recorder, Aldermen and Common Council of Georgetown, the said Corporation of Georgetown shall be, and they are hereby, authorized and empowered to recover all fines, penalties, and forfeitures incurred, or that may be incurred, under their charter, and the laws and ordinances passed in pursuance thereof, by warrant before any justice of the peace of the District of Columbia, and execution on his judgment, in like manner, and subject to a like appeal to the Circuit Court of the District of Columbia, as in other cases of small debts.

APPROVED, August 19, 1841.

1846, ch. 67.

Corporation of Georgetown to recover fines, &c. how.

STATUTE I.

Aug. 25, 1841.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Bank of the Metropolis, of the Bank of Washington, and of the Patriotic Bank of Washington, in the city of Washington; the charter of the Farmers and Mechanics' Bank of Georgetown, in Georgetown; and the charters of the Farmers' Bank of Alexandria, and of the Bank of Potomac, in the town of Alexandria, be, and the same are, severally and respectively hereby revived; and all the powers, rights, privileges, immunities, limitations, prohibitions, and restrictions contained in said charters are hereby renewed, extended, and made applicable in full force to each of said banks, respectively, and to the presidents, directors, other officers, and stockholders of each of them, in the same manner, and to the same extent, as was granted and provided by the said several and respective charters, and the laws in force on the first day of January, in the year eighteen hundred and thirty-eight, subject to the limitations and provisions hereinafter contained: *Provided*, Said

Act of May 31, 1838, ch. 91, Act of July 3, 1840, ch. 39.

Charters of Bank of Metropolis, Bank of Washington, &c. revived. Powers, &c. renewed to the extent granted by said charters, &c.

Proviso.

(a) Notes of acts relating to Virginia warrants, vol. 1, 182.

banks shall, each for itself, from and after the passage of this act, resume and continue the payment of all its notes and specie liabilities in specie, on demand; and each and every of said banks failing to resume specie payments, as aforesaid, within ten days after the passage of this act, or having resumed specie payments, again suspending or refusing to pay any of its notes or other specie liabilities in specie, when legally demanded, or shall pay out or lend out, after the first day of March next, the notes of any suspended bank, or any paper currency whatever which is not equivalent to gold and silver, shall, in the first case, be excluded from all participation in the privileges and provisions of this act; and, in the second case, shall, *ipso facto*, forfeit all benefit and privilege granted by it; and it shall be the duty of the district attorney of the United States for the District of Columbia, upon information lodged with him of any such suspension or refusal to pay in specie by any of said banks, to take forthwith the necessary and proper legal steps to enforce the forfeiture hereby provided for such refusal or suspension, and to compel every such delinquent bank to proceed to wind up its concerns, under, and agreeably to, the provisions of the act of Congress entitled "An act to continue the corporate existence of certain banks in the District of Columbia, for certain purposes," approved the third day of July, in the year eighteen hundred and forty.

District attorney, on suspension or refusal to pay in specie, to take steps necessary to enforce the forfeiture, and to compel such bank to wind up its concerns, under act of 3d July 1840, ch. 40.

Banks prohibited from making new loans on their stock as security, &c.

President and directors liable for such loans, made or renewed with their consent.

What shall be deemed to be a consent.

Any loan to bank officers, exceed'g 10,000 dollars, to be curtailed at least 25 per ct. annually, until not over that sum.

No new loan to be made them which shall, including unpaid balances, exceed \$10,000.

President and directors liable therefor.

SEC. 2. *And be it further enacted*, That each and every of said banks shall be, and they are hereby, expressly prohibited from making any new loan or loans whatever, upon a pledge of stock in said bank as security for the repayment of said loan; and they are hereby required, upon all loans now existing upon any such pledge of stock, to require and exact, before any renewal or extension of any such stock loan shall be granted, other sufficient security for the same, in the form, and to the extent usual in said banks upon making ordinary loans. And the president and directors of each of said banks are hereby made individually liable to all persons concerned, for the whole amount of any loan or loans hereafter made or renewed contrary to the foregoing provisions, by them, or any of them, or with their consent, from the funds of any of said banks; and the cashier of each of said banks shall keep a regular record of the attendance of the president and each director at every meeting of the board of directors of the bank of which he is cashier; and every president and director who shall be present at any meeting at which any loan upon a pledge of stock, as aforesaid, shall be made or extended, shall be deemed to have consented to the same, unless he shall at that meeting enter his protest, in writing, against said loan on the minutes of their proceedings.

SEC. 3. *And be it further enacted*, That in each and every of said banks, all loans now existing to any president, cashier, director, or other officer, either as principal or security, to a greater amount than ten thousand dollars, shall be regularly curtailed or reduced, at the rate of at least twenty-five per cent. or one fourth of the whole amount, annually, in a due proportion at each renewal at the expiration of ninety days successively, until the sum of such loan shall, in no instance, exceed the amount of ten thousand dollars aforesaid. And no new loan or loans shall hereafter, on any pretence whatever, be made to any president, cashier, director, or other officer, either as principal or security, to a greater amount in the whole including the unpaid balances of former loans than ten thousand dollars; and the same penalties, liabilities, and presumptions shall, in every case of a loan made contrary to the spirit, intent, and meaning of this section, attach to the president and directors of the bank by which said loan shall be made, as is provided in the preceding section, in the case of loans upon a pledge of the stock of the bank making the same.

SEC. 4. *And be it further enacted*, That each and every of said banks

are hereby expressly prohibited from issuing or paying out or offering in payment any bank note or other paper in discharge of their debts or liabilities of any kind on any pretence whatever, which the particular bank making the payment or tender is not, at the time of such payment, in the habit of receiving at par, in payments of all notes or other debts due and payable at said bank, under pain of forfeiting for every such offence double the sum so paid out or offered in payment of its own debt or debts; one half to the informer, and one half to the use of the town or city in which the offending bank may be situated, to be recovered by action of debt in any court of competent jurisdiction in the District of Columbia.

Issuing, &c. any bank-note, not at the time receivable at par, prohibited.

Forfeiture, how to be disposed of, and how recoverable.

SEC. 5. *And be it further enacted,* That each and every of said banks be, and they are hereby, expressly prohibited from issuing or paying out, under any pretence whatever, any bill, note, or other paper, designed or intended to be used and circulated as money, of a less denomination than five dollars; and for any violation of the provisions of this section, the offending bank shall incur all the penalties and forfeitures to be provided and directed by the first section of this act for the case of suspension or refusal to pay in specie; to be enforced in like manner, as is directed by that section.

Issuing notes, &c. of less denomination than \$5, prohibited.

Penalties and forfeitures.

SEC. 6. *And be it further enacted,* That each and every of the banks aforesaid shall, within forty days after the passage of this act, hold an election in the form and manner prescribed by their respective original charters for nine directors, which shall in future be the number of directors for each of said banks; and the persons elected at said election, shall severally remain in office until the recurrence of the time prescribed by the original charter of each of said banks respectively, for an annual election of directors, at which last mentioned time, and at the same time in every year thereafter, each of said banks shall make its election of directors and other officers agreeably to the provisions of its original charter, except as to the number of directors, which shall in every case hereafter be nine. And there shall be chosen for each of said banks at the special election hereby provided for, or as soon thereafter as may be in conformity to the provisions of their respective original charters, a president and such other officers as may, by the particular charter, be required to be elected, who shall hold their offices for the same time and in the same manner as if said charters had not expired and said officers had been chosen at the last annual election.

Election to be held in 40 days for nine directors, &c.

Election of a president, &c.; term of office.

SEC. 7. *And be it further enacted,* That this act shall continue in force until the fourth day of July which shall be in the year eighteen hundred and forty-four.

This act continued to 4th July 1844.

SEC. 8. *And be it further enacted,* That the act entitled "An act to extend the charter of the Union Bank of Georgetown in the District of Columbia," approved the twenty-fifth day of May in the year eighteen hundred and thirty-eight, be and the same is hereby extended to the first day of July in the year eighteen hundred and forty-seven, until which time the said act shall be in full force for the sole purpose of enabling the president and directors of the said bank for the time being to close its affairs.

Act of May 25, 1838, ch. 88, to extend the charter of the Union Bank, extended to 1st July 1847.

APPROVED, August 25, 1841.

STATUTE I.

CHAP. XIII.—*An Act making an appropriation for the funeral expenses of William Henry Harrison, deceased, late President of the United States.*

Sept. 1, 1841.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounts presented by the Marshal of the District of Columbia for expenses incurred by the funeral of the President of the United States, be referred to the proper accounting officer of the Treasury, who is hereby directed

Accounts to be audited, &c.

to audit the same, and allow whatever shall be found justly due thereon.

Sum allowed to be paid.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury pay to the said marshal, out of any money not otherwise appropriated, such sum as the said accounting officer shall allow.

APPROVED, September 1, 1841.

STATUTE I.

Sept. 1, 1841.

CHAP. XIV.—*An Act in addition to an act entitled an act to carry into effect a Convention between the United States and the Mexican Republic.*

Sec. Treasury to issue certificates.

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 upon the presentation of certified copies of such awards as have been or shall be made, in pursuance of the Convention with the Republic of Mexico, concluded at Washington, the eleventh of April, one thousand eight hundred and thirty-nine, in favor of citizens of the United States, to issue certificates to the persons authorized to receive the sums so awarded their legal representatives and assigns in the manner directed by the seventh section of the act of Congress entitled “An act to carry into effect a convention between the United States and the Republic of Mexico,” such certificates to be in such form and for such portions of the sums awarded as may be convenient for the claimants and to be subject to the deductions provided for by the tenth section of said act, *Provided*, That nothing in this act shall be construed to give any rights to the claimants that are not conferred by said convention, and the act of June twelfth, one thousand eight hundred and forty; and that the substance of this proviso be inserted in the certificates that may be issued.

1840, ch. 34.

Proviso.

1840, ch. 34.

APPROVED, September 1, 1841.

STATUTE I.

Sept. 1, 1841.

Act of March 3, 1839, ch. 80. Feb. 26, 1840, ch. 3.

CHAP. XV.—*An Act to amend the act entitled “An act to provide for taking the Sixth Census, or enumeration of the inhabitants of the United States,” approved March third, one thousand eight hundred and thirty-nine, and the acts amending the same.*

The time allowed for completing enumerations and making returns, extended.

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 the marshals of the respective States and Territories, who have not, before the passage of this act, completed their enumerations, and made their returns, under the acts hereby amended, to proceed personally and by their assistants to complete such enumerations, and make such returns under the said acts; and the said assistants shall be allowed until the first day of December, one thousand eight hundred and forty-one, to complete their enumerations, and make their returns to the marshals, and the said marshals shall be allowed to make their returns to the Secretary of State at any time before the first day of January, one thousand eight hundred and forty-two: *Provided*, That nothing herein contained shall be deemed to release such marshals and assistants from the penalties contained in the act aforesaid, unless their returns shall be made within the time prescribed in this act: *And provided further*, That no person be included in the returns made under the present act, unless such persons shall have been inhabitants of the district for which such returns shall be made on the first day of June, one thousand eight hundred and forty; and the Secretary of State be, and he is hereby, authorized to cause to be printed twenty thousand copies of the compendium or abridgment of the Sixth Census, by counties and principal towns, together with the tables of apportionment as prepared at the Department of State, for the use of Congress.

Proviso.

Proviso.

20,000 copies of compendium or abridgment of 6th census to be printed.

SEC. 2. *And be it further enacted*, That the Secretary of State is

hereby authorized to have the Sixth Census documents bound in a plain and substantial manner, the cost of which shall not exceed fifty cents per volume; and that the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

Sixth census documents to be bound.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the marshal of the State of Maryland, and he is hereby required, under the direction of the Secretary of State, to cause the number of inhabitants within Montgomery county, in the State aforesaid, to be again taken according to the directions of the act to which this is a supplement, and the same to be returned before the first day of December next, and when so taken and returned shall be considered as the correct enumeration of the inhabitants of the said county: *Provided*, That nothing herein contained shall be deemed to release such marshal and his assistants from the penalties contained in the act aforesaid: *And provided further*, That no persons be included in the returns made under the present act, unless such persons shall have been inhabitants of the district for which such returns shall be made on the first day of June, one thousand eight hundred and forty: *And provided, also*, That the said corrected return shall not delay the printing of the Census: and that the said corrected return be printed by itself separately.

The number of inhabitants of Montgomery co., Maryland to be again taken.

Proviso.

Proviso.

Proviso.

APPROVED, September 1, 1841.

STATUTE I.

CHAP. XVI.—*An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.* (a)

Sept. 4, 1841.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the nett proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: *Provided*, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

Act of May 29, 1830, ch. 208.

Certain States to be paid 10 per cent. on nett proceeds of sales of public lands therein, &c. 1842, ch. 270, § 30.

Proviso.

SEC. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the nett proceeds, which nett proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's offices; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States, of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct: *Provided*, That the distributive share to which the

After deducting said 10 per cent. &c. residue to be divided among the States, &c. of the Union; how.

To be applied as the Legislatures may direct.

Proviso.

(a) See notes to the act of May 29, 1830, chap. 208. 1842, ch. 86.

District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: *And provided, also*, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

Proviso.

Nett proceeds of sales of public lands, payable at the Treasury half-yearly, to whom.

SEC. 3. *And be it further enacted*, That the several sums of money received in the Treasury as the nett proceeds of the sales of the public lands shall be paid at the Treasury half yearly on the first day of January and July in each year, during the operation of this act, to such person or persons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such appointment, shall authorize and direct to receive the same.

Money due and payable by this act to be first applied to payments of debts due U. S.

SEC. 4. *And be it further enacted*, That any sum of money, which at any time may become due, and payable to any State of the Union, or to the District of Columbia, by virtue of this act, as the portion of the said State or District, of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due, and payable from the said State or District, to the United States: *Provided*, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of twenty-third June, eighteen hundred and thirty-six, entitled "an act to regulate the deposits of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

Proviso.

Act of June 23, 1836, ch. 115.

Length of continuation of this act.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: *Provided, nevertheless*, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this act, together with what such State or States may be entitled to by virtue of compacts to be made on their admission into the Union.

1848, ch. 61.

Proviso.

Not less than \$150,000 to be appropriated annually for surveys.

SEC. 6. *And be it further enacted*, That there shall be annually appropriated for completing the surveys of said lands, a sum not less than one hundred and fifty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased, unless Congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved; and in case the same shall be increased by law, except as aforesaid, at any time during the operation of this act, then so much of this act as provides that the nett proceeds of the sales of the public lands shall be distributed among the several States, shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, any thing in this act to the contrary notwithstanding: *Provided*, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second one thousand eight hundred and thirty-three, entitled, "An act to modify the act of the fourteenth of July one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to wit: twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended and shall so continue until this cause of its suspension shall be removed, and when removed,

Proviso.

Act of March 2, 1833, ch. 55.

if not prevented by other provisions of this act, such distribution shall be resumed.

SEC. 7. *And be it further enacted,* That the Secretary of the Treasury may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or in order to close the land system in such State at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and forty.

Certain land districts and land offices may be continued.

1840, ch. 36.

SEC. 8. *And be it further enacted,* That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: *Provided,* that to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selections in all of the said States, to be made within their limits respectively in such manner as the Legislatures thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, shall have been surveyed according to existing laws. And there shall be and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

Grant of land to States for internal improvements. *Proviso.*

Grant to new States that shall hereafter be admitted.

SEC. 9. *And be it further enacted,* That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the nett proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely: Roads, railways, bridges, canals and improvement of water-courses, and draining of swamps; and such roads, railways, canals, bridges and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Said lands not to be sold for less than \$1.25 per acre.

Nett proceeds to be applied to internal improvements.

Such roads, &c. to be free for transportation of U. S. mail, &c.

SEC. 10. *And be it further enacted,* That from and after the passage of this act, every person being the head of a family, or widow, or single man, over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws, who since the first day of June, A. D. eighteen hundred and forty, has made or shall hereafter make a settlement in person on the public lands to which the Indian title had been at the time of such settlement extinguished, and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled

After the passage of this act, certain persons authorized to enter 160 acres at the minimum price.

to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no lands reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the site for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and not agriculture; and no lands on which are situated any known salines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty-second of June, eighteen hundred and thirty-eight, or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing-rabbit creek, be, and the same is hereby, repealed: *Provided*, That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

So much of proviso of act 22d June 1838, ch. 119, &c. as directs reservations, &c. repealed.

When more than one settler, right of pre-emption in the first.

SEC. 11. *And be it further enacted*, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the United States.

Proof of settlement, &c. to be made to register and receiver.

SEC. 12. *And be it further enacted*, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required, shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, who shall each be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

Oath required by persons claiming the benefit of this act.

SEC. 13. *And be it further enacted*, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the receiver or register of the land district in which the land is situated, (who are hereby authorized to administer the same,) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the Government of the United States, should enure in whole or in part, to the benefit of any person except himself or herself;

and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Persons swearing falsely, perjury.

Duty of the officer administering the oath.

SEC. 14. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President, nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required before the day appointed for the commencement of the sales as aforesaid.

Sale of lands not delayed by this act.

SEC. 15. *And be it further enacted*, That whenever any person has settled or shall settle and improve a tract of land, subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall in the first case, within three months after the passage of the same, and in the last within thirty days next after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof, and payment, within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Persons who have or may settle certain lands with intent to purchase under this act, required to file with the register a statement, &c.

SEC. 16. *And be it further enacted*, That the two per cent. of the nett proceeds of the lands sold, or that may hereafter be sold, by the United States in the State of Mississippi, since the first day of December, eighteen hundred and seventeen, and by the act entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," and all acts supplemental thereto reserved for the making of a road or roads leading to said State, be, and the same is hereby relinquished to the State of Mississippi, payable in two equal instalments; the first to be paid on the first of May, eighteen hundred and forty-two, and the other on the first of May, eighteen hundred and forty-three, so far as the same may then have accrued, and quarterly, as the same may accrue, after said period: *Provided*, That the Legislature of said State shall first pass an act, declaring their acceptance of said relinquishment in full of said fund, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied to the construction of a railroad, leading from Brandon, in the State of Mississippi, to the eastern boundary of said State, in the direction, as near as may be, of the towns of Selma, Cahaba, and Montgomery, in the State of Alabama.

The two per cent. of the nett proceeds of lands sold in Mississippi since 1st December 1817, &c. relinquished to Mississippi.

1817, ch. 23.

Proviso.

SEC. 17. *And be it further enacted*, That the two per cent. of the nett proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September, eighteen hundred and nineteen, and reserved by the act entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for

The two per cent. of the nett proceeds of lands sold in Alabama, &c. relinquished to Alabama.

1819, ch. 47.

Proviso.

the admission of such State into the Union on an equal footing with the original States," for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama, payable in two equal instalments, the first to be paid on the first day of May, eighteen hundred and forty-two, and the other on the first day of May, eighteen hundred and forty-three, so far as the same may then have accrued, and quarterly, as the same may thereafter accrue: *Provided*, That the Legislature of said State shall first pass an act, declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochie river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson in the State of Mississippi.

APPROVED, September 4, 1841.

STATUTE I.

Sept. 9, 1841.

[Obsolete.]

CHAP. XVII.—*An Act making appropriations for various fortification, for ordnance, and for preventing and suppressing Indian hostilities.*

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 be paid out of any money in the Treasury not otherwise appropriated, namely:

West-head battery.

For repairs of West-head battery, Governor's island, Boston harbor, five thousand dollars;

South-east battery.

For repairs of Southeast battery, Governor's island, Boston harbor, five thousand dollars;

Fort Independence, &c.

For repairs of Fort Independence and sea-wall of Castle island, Boston harbor, sixty-five thousand dollars;

Fort Warren.

For Fort Warren, Boston harbor, one hundred and five thousand dollars;

Fort at New Bedford.

For repairs of old fort at New Bedford harbor, five thousand dollars;

Fort Adams.

For Fort Adams, Newport harbor, forty-five thousand dollars;

Ft. Trumbull.

For fortifications in New London harbor—rebuilding of Fort Trumbull, Connecticut, thirty-five thousand dollars;

Ft. Griswold.

For repairs of old Fort Griswold, New London harbor, Connecticut, ten thousand dollars;

Fort Niagara.

For completing repairs of Fort Niagara, and erecting and repairing necessary buildings therein, New York, twenty thousand dollars;

Fort Ontario.

For completing repairs of Fort Ontario, Oswego, New York, and erecting necessary buildings therein, fifteen thousand dollars;

Fort Schuyler.

For Fort Schuyler, New York harbor, seventy thousand dollars;

Fort Wood.

For repairs of Fort Wood and sea-wall, Bedlow's island, New York harbor, fifty thousand dollars;

Ft. Columbus, Castle William and South battery.

For permanent walls for Fort Columbus, Castle William and South battery, Governor's island, New York harbor, twelve thousand dollars;

Castle William, Governor's island.

For repairs of sea-wall of Castle William and other parts of Governor's island, seven thousand dollars;

Ft. Delaware. Proviso.

For Fort Delaware, Delaware river, provided the title to the Pea Patch island shall be decided to be in the United States, including twenty-two thousand seven hundred and seventy dollars carried to the surplus fund, January first, eighteen hundred and forty-one, fifty thousand dollars;

Forts at Annapolis.

For repairing forts at Annapolis harbor, Maryland, five thousand dollars;

For repairs of Fort Washington, Potomac river, thirty-five thousand dollars;	Fort Washington.
For Fort Monroe, Old Point Comfort, Virginia, one hundred and fifty thousand dollars;	Fort Monroe.
For repairs of Forts Caswell and Johnson, and preservation of the site of the former, at the mouth of Cape Fear River, North Carolina, five thousand dollars;	Forts Caswell and Johnson.
For Fort Sumter, Charleston harbor, South Carolina, fifteen thousand dollars;	Fort Sumter.
For commencing dyke to Drunken Dick shoal, for preservation of Sullivan's island, and site of Fort Moultrie, Charleston harbor, South Carolina, thirty thousand dollars;	Drunken Dick shoal, Sullivan's island, and Fort Moultrie.
For Fort Pulaski, Savannah river, Georgia, thirty-five thousand dollars;	Fort Pulaski.
For repairs of Fort Marion, St. Augustine, Florida, twenty thousand dollars;	Fort Marion.
For continuing sea-wall at St. Augustine, Florida, five thousand dollars;	St. Augustine.
For Fort Pickens, Pensacola harbor, Florida, twenty thousand dollars;	Fort Pickens.
For Fort Barrancas, Pensacola harbor, Florida, forty-five thousand dollars;	Ft. Barrancas.
For Fort Morgan, Mobile Point, Alabama, forty thousand dollars;	Fort Morgan.
For Fort Livingston, Barrataria bay, Louisiana, thirty thousand dollars;	Ft. Livingston.
For repairs of other forts on the approaches to New Orleans, Louisiana, fifty thousand dollars;	New Orleans.
For defensive works, and barracks, and purchase of site at or near Detroit, Michigan, fifty thousand dollars;	Detroit.
For purchase of site, and for barracks and defensive works at or near Buffalo, New York, fifty thousand dollars;	Buffalo.
For fortifications at the outlet of Lake Champlain, and purchase of site, seventy-five thousand dollars;	Lake Champlain.
For defensive works, barracks, and other necessary buildings, and purchase of site for a depot at or near the junction of the Matawankeag and Penobscot river, Maine, twenty-five thousand dollars;	Matawankeag and Penobscot rivers. 1843, ch. 70. § 2.
For contingencies of fortifications, fifteen thousand dollars;	Contingencies.
For incidental expenses attending repairs of fortifications, fifty-five thousand five hundred dollars;	Incidental expenses.
SEC. 2. And be it further enacted, That the following sums be, and are hereby, appropriated in like manner:	
For current expenses of ordnance service, twenty-five thousand dollars;	Ordnance service.
For purchase of ordnance and ordnance stores, seventy-five thousand dollars;	Ordnance and stores.
For armament of fortifications, one hundred thousand dollars;	Fortifications.
For purchase of saltpetre and brimstone, twenty thousand dollars;	Saltpetre and brimstone.
SEC. 3. And be it further enacted, That the following sums be in like manner appropriated:	
For preventing and suppressing Indian hostilities, viz.:	
For balance required, in addition to the sum applicable out of the amount appropriated at the last session of Congress, for arrearages of pay due Florida militia called into service by the Governor of the Territory in eighteen hundred and forty, nineteen thousand three hundred and eighty-eight dollars and two cents;	Arrearages of pay due Florida militia.
For arrearages of pay due Florida militia, commanded by Brigadier General Read, for six months in the service of the United States, commencing November, eighteen hundred and forty, and terminating April, eighteen hundred and forty-one, two hundred and ninety-seven thousand two hundred and thirteen dollars and ninety-two cents;	Arrearages of pay due Florida militia.

Arrearages of pay due Georgia militia.

For arrearages of pay due to a battalion of Georgia militia, for service on the frontiers of Georgia and Florida, in eighteen hundred and forty, and eighteen hundred and forty-one, seventy-eight thousand four hundred and ninety-five dollars and ninety-two cents;

Quartermaster's Department.

For the Quartermaster's Department, the sum of four hundred and forty thousand and forty dollars; that being the amount required in addition to the amount appropriated at the last session of Congress; which last sums of money for preventing and suppressing Indian hostilities, are to be expended under the directions of the Secretary of War, conformably to the acts of Congress of the nineteenth of March, one thousand eight hundred and thirty-six, and the acts therein referred to;

Appropriations for preventing and suppressing Indian hostilities.

Act of March 19, 1836, ch. 44.

Surveys.

For surveys in reference to the military defences of the frontier, inland and Atlantic, thirty thousand dollars;

Arrearages.

For arrearages due for roads, harbors, and rivers, where public works and improvements have hitherto been made, and for the protection of public property now on hand at these places, and for arrearages for surveys and completing maps authorized by act of March third, eighteen hundred and thirty-nine, forty thousand dollars;

1839, ch. 33.

Site for a national armory.

For the defraying the expenses of selecting a suitable site on the Western waters for the establishment of a national armory, a sum not exceeding five thousand dollars; and the President of the United States is hereby authorized to cause such selection to be made, and to communicate all the proceedings which may be had therein to the Congress of the United States, to be subject to its approval;

Defence of the Northwestern lakes.

For the construction or armament of such armed steamers or other vessels for defence on the Northwestern lakes, as the President may think most proper, and as may be authorized by the existing stipulations between this and the British Government, one hundred thousand dollars.

APPROVED, September 9, 1841.

STATUTE I.

Sept. 9, 1841.

CHAP. XVIII.—*An Act to provide for placing Greenough's Statue of Washington in the Rotundo of the Capitol, and for expenses therein mentioned.*

Accounts of H. Greenough to be settled, how.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounts of Horatio Greenough for expenses incurred in the execution of the pedestrian statue of Washington, authorized by a resolution of Congress, February thirteenth, eighteen hundred and thirty-two, and the accounts and charges for freight of the same to the United States, be settled under the direction of the Secretary of State, according to the rights of the claimants under their several contracts liberally construed: *Provided,* That not more than six thousand five hundred dollars shall be allowed the said Greenough in the event that the Secretary of State, under such construction as aforesaid, shall consider him entitled to charge the same; and not more than eight thousand six hundred dollars for the freight aforesaid, and detention of the ship, and for an iron railing around the statue, including the sum of fifteen hundred dollars assumed to be paid by the said Greenough in addition to the original contract as made by Commodore Hull; and the sum of fifteen thousand one hundred dollars, or as much thereof as may be necessary, is hereby appropriated for the purposes aforesaid.

Proviso.

Appropriation for erecting the statue.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, for the purpose of removing the said statue from the navy yard at Washington, and for erecting the same in such part of the Rotundo of the Capitol, as may be deemed best adapted for the same by the Secretary of the Navy, in accordance with the joint resolution of Congress

of the twenty-seventh of May, eighteen hundred and forty, any thing designating a particular spot contained in the act of fourteenth of July, eighteen hundred and thirty-two, to the contrary notwithstanding.

Act of July 14, 1832, ch. 224.

APPROVED, September 9, 1841.

STATUTE I.
Sept. 9, 1841.

CHAP. XIX. — *An Act authorizing the transmission of letters and packets to and from Mrs. Harrison, free of postage.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets, carried by post to and from Mrs. Harrison, relict of the late William Henry Harrison, be conveyed free of postage during her natural life.

Franking privilege granted to Mrs. Harrison. Act of March 3, 1845, ch. 43, sec. 23.

APPROVED, September 9, 1841.

STATUTE I.
Sept. 9, 1841.

CHAP. XX. — *An Act to make appropriations for the Post Office Department.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of four hundred and ninety-seven thousand, six hundred and fifty-seven dollars, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Post Office Department to meet its engagements and pay its debts, and of which sum fifteen thousand dollars are hereby appropriated to enable the Auditor of said Department to purchase account-books for his office, and to bring up arrears of its business: *Provided,* That in virtue hereof no clerk shall be employed for a longer period than one year; to be accounted for in the manner prescribed in the second section of the "Act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," passed July second, eighteen hundred and thirty-six: *Provided,* That the money hereby appropriated shall be accounted for by the Post Office Department hereafter, when the condition of its funds shall permit; to be refunded into the Treasury, or deducted from any sums which the Post Office Department may heretofore have paid into the Treasury.

[Obsolete.] Appropriation to pay debts, &c.

Proviso.
1836, ch. 270.

Proviso.

APPROVED, September 9, 1841.

STATUTE I.
Sept. 11, 1841.

CHAP. XXI.—*An Act making an appropriation for the purchase of naval ordnance and ordnance stores, 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 six hundred thousand dollars be paid out of any moneys in the Treasury not otherwise appropriated, for the purpose of purchasing ordnance and ordnance stores, for the use of the Navy of the United States.

[Obsolete.]

Appropriation to purchase ordnance and ordnance stores.

SEC. 2. *And be it further enacted,* That the Secretary of the Navy is hereby authorized to apply a part of the sum herein and hereby appropriated, not exceeding fifty thousand dollars, to the purpose of making experiments to test the value of improvements in ordnance, in the construction of steamers, and other vessels of war, and in other matters connected with the naval service and the national defence; and also to the purpose of defraying any charges left unpaid on account of experiments of the like character heretofore made by authority of law.

Sec. Navy to make certain experiments.

APPROVED, September 11, 1841.

STATUTE I.
Sept. 11, 1841.

CHAP. XXII.—*An Act making appropriations for outfits and salaries of diplomatic agents, 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 be paid out of any money in the Treasury not otherwise appropriated, viz :

Outfits of ministers and charges d'affaires.

For outfits of ministers to Russia, Spain, Mexico, and Brazil, and of charges d'affaires to Portugal, Denmark, Sardinia, Naples, Chili, and Texas, sixty-three thousand dollars.

Salaries of ministers.

For salaries of ministers to Spain and Brazil, for the residue of the current year, eight thousand dollars.

Secretaries of legation.

For salaries of the secretaries of legation to the same places, one thousand eight hundred dollars.

Extra pay to officers of Congress, &c.

Also, so much as may be necessary to pay, for compensation, to the clerks and other officers in the service of the two Houses, the librarian and assistant librarians of Congress, the gate-keeper and lamp-lighter, for the services rendered by them during the present extra session, three months' additional pay; and to the messengers, assistant messengers, pages and laborers of the two Houses and Library of Congress, and to the hostler of the House of Representatives, the usual allowances made at the close of each session; and to each of the police of the Capitol, the same as to the messengers, to be paid under the direction of the Committee on the Contingent Fund of each House: And the regular pay of the messenger of the office of the Secretary of the Senate, and office of the Clerk of the House of Representatives shall be equal to the pay of any other permanent messenger employed in the Capitol.

Regular pay of messenger, off. Sec. of Senate, and off. Clerk House of Reps. Catalogue of Library of Congress.

Also, a sum not exceeding two hundred and seventy-three dollars, for completing the contract for printing and binding the catalogue of the library.

APPROVED, September 11, 1841.

STATUTE I.

Sept. 11, 1841.

CHAP. XXIII.—*An Act to provide for repairing the Potomac Bridge.*

[Obsolete.]
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifteen thousand eight hundred and six dollars be, and the same is hereby, appropriated, in addition to the sums heretofore appropriated and unexpended, for the repair of the Potomac bridge in the District of Columbia, to be paid out of any money in the Treasury not otherwise appropriated.

How to be expended.

SEC. 2. *And be it further enacted,* That the said sums shall be expended under the direction of the Secretary of War, in the following manner, to wit: He shall designate some competent officer of the Engineer corps to draw plans and make specifications of the work to be performed, and estimates of the cost or value thereof, which shall not exceed the sum of forty-five thousand eight hundred and six dollars; the officer thus selected, shall lay his plans, specifications, and estimates before the Secretary of War for his approval, and the said Secretary shall thereupon cause the work to be constructed upon the plan most approved by him, under the immediate superintendence of some competent officer of either Engineer corps, who shall make all necessary contracts for materials and labor, and cause the work to be constructed in the best and most substantial manner within the estimates and according to the plan approved by the Secretary of War, and under the orders and general direction of said Secretary, who will, from time to time, cause such advances of the amounts for this object appropriated as he may deem necessary and proper.

Mineralizing of the timbers authorized.
Appropriation therefor.

SEC. 3. *And be it further enacted,* That the timbers, or such of them as the superintending engineer may think fit, shall be mineralized, and a sum not exceeding three and a half cents per cubic foot is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expense and cost thereof, the proper amount to be paid on the requisition of the Secretary of War, founded on the estimate of the superintendent.

APPROVED, September 11, 1841.

STATUTE I.
Sept. 11, 1841.

CHAP. XXIV.—*An Act relating to duties and drawbacks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on all articles imported into the United States from and after the thirtieth day of September, eighteen hundred and forty-one, there shall be laid, collected, and paid on all articles which are now admitted free of duty, or which are chargeable with a duty of less than twenty per centum ad valorem, a duty of twenty per centum ad valorem, except on the following enumerated articles, that is to say: muriatic acid, sulphuric acid or oil of vitriol, alum, tartaric acid, aquafortis, blue vitriol, calomel, carbonate of soda, corrosive sublimate, combs, copperas, indigo, nitrate of lead, red and white lead dry or ground in oil, sugar of lead, manganese, sulphate of magnesia, bichromate of potash, chromate of potash, prussiate of potash, glauber salts, rochelle salts, sulphate of quinine, refined salt-petre, which shall pay respectively the same rates of duty imposed on them under existing laws; and the following articles shall be exempt from duty, to wit: tea and coffee, all painting and statuary the production of American artists residing abroad; all articles imported for the use of the United States, and the following articles, when specifically imported by order, and for the use of any society incorporated or established for philosophical or literary purposes, or for the encouragement of the fine arts, or by order and for the use of any college, academy, school or seminary of learning, in the United States, to wit: philosophical apparatus, instruments, books, maps, charts, statues, busts of marble, bronze, alabaster, or plaster of Paris, casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, gems, medals, and all other collections of antiquities, statuary, modelling, painting, drawing, etching, or engraving; and, also, all importations of specimens in natural history, mineralogy, botany, and anatomical preparations, models of machinery, and the models of other inventions, plants and trees, wearing apparel, and other personal baggage in actual use, and the implements or tools of trade of persons arriving in the United States; crude antimony, regulus of antimony, animals imported for breed, argol, gum arabic, aloes, ambergris, bole armenian, arrowroot, annotto, aniseed, oil of aniseed, amber, assafœtida, ava root, alcornoque, alba cannella, bark of cork tree unmanufactured, burr stones unwrought, brass, in pigs or bars, old brass, only fit to be remanufactured, brimstone or sulphur, barilla, braziletto, boracic acid, Burgundy pitch, berries used for dyeing, smaltz, lasting or prunella, used in the manufacture of buttons and shoes, vanilla beans, balsam tolu, gold and silver coins and bullion, clay unwrought, copper imported in any shape for the use of the mint, copper in pigs, bars, or plates, or plates or sheets, of which copper is the material of chief value, suited to the sheathing of ships, old copper fit only to be remanufactured, lapis calaminaris, cochineal, chamomile flowers, coriander seed, catsup, cantharides, castanas, chalk, coculus indicus, colombo root, cummin seed, cascarilla, cream of tartar, vegetables, and nuts of all kinds used principally in dyeing and composing dyes, lac-dye, emery, epaulets and wings of gold or silver, furs undressed of all kinds, flaxseed or linseed, flax unmanufactured, fustic, flints, ground flint grindstones, gamboge, raw hides, hemlock, henbane, horn plates for lanterns, ox and other horns, Harlem oil, hartshorn, hair unmanufactured, hair pencils, ipecacuanha, ivory unmanufactured, iris root, juniper berries, oil of juniper, kelp, kermes, madder, madder root, musk, manna, marrow and other soap stocks, and soap stuffs, palm oil, mohair, mother of pearl, needles, nux vomica, orris root, oil of almonds, opium, palm leaf, platina, Peruvian bark, old pewter fit only to be remanufactured, plaster of Paris, quicksilver, rags of any kind of cloth, India rubber, reeds unmanufactured, rhubarb, rotten stone, elephants and

After 30th Sept. 1841, certain articles to pay a duty of 20 per cent. ad valorem.
Vol. 3, 515, 737.

Articles to be exempt from duty.

Articles to be exempt from duty.

other animals' teeth, polishing stones, bristles, ratans unmanufactured, raw and undressed skins, spelter, crude saltpetre, gum Senegal, saffron, shellac, soda ash, sponges, sago, sarsaparilla, senna, sumac, tapioca, tamarinds, crude tartar, teutenegue, tin foil, tin in pigs, bars, plates, or sheets, tips of bone or horn, tortoise shell, turmeric, weld, wood or pastel, Brazil wood, Nicaragua wood, red wood, cam wood, log wood, dye woods of all kinds, unmanufactured woods of any kind, except rose wood, satin wood, and mahogany, whale and other fish oils of American fisheries, and all other articles the produce of said fisheries, and zinc; and, also, wool unmanufactured, the value whereof at the place of exportation shall not exceed eight cents per pound; *Provided*, That if any fine wool be mixed with dirt or other material, and thus be reduced in value to eight cents per pound or under, the appraisers shall appraise said wool at such price as in their opinion it would have cost had it not been so mixed, and a duty thereon shall be charged in conformity with such appraisal: *And provided, further*, That when wool of different qualities is imported in the same bale, bag or package, and any part thereof is worth more than eight cents a pound valued as aforesaid, that part shall pay a duty of twenty per centum ad valorem: *Provided*, That boards, planks, staves, scantling, sawed timber, and all other descriptions of wood which shall have been wrought into shapes that fit them respectively for any specific and permanent use, without further manufacture, shall be deemed and taken as manufactured wood.

Proviso.

Further proviso.

Proviso.

Duty on non-enumerated articles.

SEC. 2. *And be it further enacted*, That there shall be levied, collected, and paid on each and every non-enumerated article which bears a similitude either in material, quality, texture, or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are now chargeable, there shall be levied, collected, and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable: *Provided*, That, if in virtue of this section, any duty exceeding the rate of twenty per centum ad valorem, shall be levied prior to the thirtieth of June, eighteen hundred and forty-two, the same shall not in any wise affect the disposition of the proceeds of the public lands as provided for by an act passed at the present session of Congress: *And provided, further*, That no duty higher than twenty per centum ad valorem in virtue of the said section, shall be levied and paid on any unmanufactured article.

Duty on articles manufactured from two or more materials.

Proviso.

1841, ch. 16.

Further proviso.

Drawbacks on certain sugars and rum to be reduced, how.

1829, ch. 11.
1830, ch. 185.

SEC. 3. *And be it further enacted*, That from and after the passage of this act, drawbacks payable on exported refined sugars, manufactured from foreign sugars, and on exported rum, distilled from foreign molasses, shall be reduced in proportion to the reduction which shall have been made by law (after the passage of the acts of Congress of the twenty-first of January, eighteen hundred and twenty-nine, and twenty-ninth of May, eighteen hundred and thirty, allowing said drawbacks) in the duties on the imported sugars or molasses, out of which the same shall have been manufactured or distilled, and in no case shall the drawback exceed the amount of import duty paid on either of those articles.

Duty on French wines prior to 2d February next.

SEC. 4. *And be it further enacted*, That prior to the second day of February next, the wines of France shall not be subjected, under the provisions of this act or any existing law, to the payment of higher rates of duty than the following, namely, on red wines in casks six cents a gallon; white wines in casks ten cents a gallon, and French wines of

all sorts in bottles, twenty-two cents per gallon: *Provided*, That no higher duty shall be charged under this act, or any existing law, on the red wines of Austria, than are now, or may be, by this act levied upon the red wines of Spain, when said wines are imported in casks.

Proviso.
Red wines of Austria.

SEC. 5. *And be it further enacted*, That the act entitled "An act to release from duty, iron prepared for, and actually laid on railways or inclined planes," approved fourteenth of July, eighteen hundred and thirty-two, be, and the same is hereby, repealed, and there shall be laid, collected, and paid, on such iron hereafter imported, a duty of twenty per centum ad valorem: *Provided*, That such repeal shall not operate, nor shall such duties be imposed on any railroad iron, which shall be imported under the provisions of the said act prior to the third day of March, eighteen hundred and forty-three, and laid down on any railroad or inclined planes of which the construction has been already commenced, and which shall be necessary to complete the same.

Act 14th July 1832, ch. 250, relative to railroad iron, repealed, &c.

Proviso.

SEC. 6. *And be it further enacted*, That nothing in this act contained, shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the Cape of Good Hope, or beyond Cape Horn, prior to the first day of August, eighteen hundred and forty-one.

This act not to apply to goods shipped in certain vessels.

SEC. 7. *And be it further enacted*, That all laws or parts of laws inconsistent with this act are hereby repealed.

Laws and parts of laws inconsistent with this act, repealed.

APPROVED, September 11, 1841.

STATUTE I.

Sept. 11, 1841.

CHAP. XXV.—*An Act to repeal a part of the sixth section of the act, entitled "An act to provide for the support of the Military Academy of the United States for the year eighteen hundred and thirty-eight, and for other purposes," passed July seventh, eighteen hundred and thirty-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the sixth section of an act entitled, "An act to provide for the support of the Military Academy of the United States for the year eighteen hundred and thirty-eight, and for other purposes," as requires the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of the late James Smithson, of London, in the stocks of States, be, and the same is hereby, repealed. And the Secretary of the Treasury shall, until Congress shall appropriate said accruing interest to the purposes prescribed by the testator for the increase and diffusion of knowledge among men, invest said accruing interest in any stock of the United States bearing a rate of interest not less than five per centum per annum.

Act of July 7, 1838, ch. 169.

That part thereof relative to the investment of the interest on the Smithsonian bequest, repealed.

Said interest to be invested in United States stock.

SEC. 2. *And be it further enacted*, That all other funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall in like manner be invested in stocks of the United States, bearing a like rate of interest.

Funds held in trust by U. S. &c. to be invested in U. S. stock.

SEC. 3. *And be it further enacted*, That the three clerks, authorized by the act of June twenty-third, eighteen hundred and thirty-six, "to regulate the deposits of the public money," be, and hereby are, directed to be retained and employed in the Treasury Department, as provided in said act, until the state of the public business becomes such that their services can conveniently be dispensed with.

Clerks authorized by act of 23d June 1836, ch. 115, to be retained.

APPROVED, September 11, 1841.

RESOLUTIONS.

June 14, 1841.

No. 1. *A Resolution manifesting the sensibility of Congress upon the event of the death of William Henry Harrison, late President of the United States.*

Preamble.

The melancholy event of the death of William Henry Harrison, the late President of the United States, having occurred during the recess of Congress, and the two Houses sharing in the general grief and desiring to manifest their sensibility upon the occasion of that public bereavement, therefore

Presiding officers' chairs to be shrouded in black.

Usual badge of mourning to be worn.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the residue of the session; and that the President pro tempore of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days.

Pres. U. S. to send a copy hereof to Mrs. Harrison.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Harrison, and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence.

APPROVED, June 14, 1841.

Aug. 25, 1841.

No. 2. *A Resolution relating to the light-boats now stationed at Sandy Hook and Bartlett's Reef.*

Sec. Treasury may change light-boat stations, &c.

Resolved 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, if upon full inquiry he deem it expedient, to cause the light-boat now stationed at Sandy Hook to be removed, and to be placed near Bartlett's reef, in Long Island Sound; and whenever the same shall be so removed and placed, to cause the light-boat now at Bartlett's reef to be removed, and placed, if he deem it expedient, near Execution Rocks, in Long Island Sound, with a bell only for the latter vessel, to be so fixed as to be rung by the motion of the sea.

APPROVED, August 25, 1841.

Sept. 1, 1841.

No. 3. *A Resolution for the distribution of seven hundred copies of the Digest of Patents.*

Commiss'r of Patents to send a certain number of copies to each state and territory.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents be directed to send to the Secretary of State of each of the States of this Union, and of the Territories of Florida, Wisconsin, and Iowa, the Digest of Patents published by the Commissioner of Patents, under the act of Congress, dated March third, one thousand eight hundred and thirty-nine; to be disposed of as the Legislatures of each State and Territory may direct, viz: To the State of Maine twenty copies. To the State of New Hampshire ten copies. To the State of Massachusetts thirty copies. To the State of Rhode Island four copies. To the State of Connecticut twelve copies. To the State of Vermont eleven copies. To the State of New York ninety-eight copies. To the State of New Jersey fifteen copies. To the State of Pennsylvania sixty-nine copies. To the State of Delaware four copies. To the State of Maryland nineteen copies. To the State of Virginia fifty copies. To the State of North Carolina thirty-nine copies. To the State of South Carolina twenty-four copies. To the State of Georgia twenty-eight copies. To the State of Kentucky thirty-one copies. To the State of

Tennessee thirty-three copies. To the State of Ohio sixty-one copies. To the State of Louisiana fourteen copies. To the State of Indiana twenty-eight copies. To the State of Mississippi fifteen copies. To the State of Illinois twenty-three copies. To the State of Alabama twenty-four copies. To the State of Missouri sixteen copies. To the State of Arkansas five copies. To the State of Michigan nine copies. To the Territory of Florida three copies. To the Territory of Wisconsin two copies. To the Territory of Iowa three copies. Being in the whole seven hundred copies; and that the remaining two hundred copies of said Digest be left with the Librarian of Congress for future disposition.

Remainder to the Librarian of Congress.

Resolved, That the sum of five hundred and twelve dollars and thirty-eight cents be paid from the Patent fund to reimburse what is still due for publishing said Digest.

\$512 38, due for publishing said Digest, to be paid.

APPROVED, September 1, 1841.

No. 4. *A Resolution to provide for the distribution of the printed returns of the Sixth Census.*

Sept. 1, 1841.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the aggregate returns of the census for the year eighteen hundred and forty, directed to be printed under the superintendence of the Secretary of State, by the act entitled "An act to provide for taking the sixth census, or enumeration of the inhabitants of the United States," shall be distributed and disposed of by the Secretary of State, as follows: to the State of Maine, two hundred; to the State of New Hampshire, one hundred and fifteen; to the State of Massachusetts, three hundred; to the State of Rhode Island, forty; to the State of Connecticut, one hundred and twenty; to the State of Vermont, one hundred and ten; to the State of New York, nine hundred and eighty; to the State of New Jersey, one hundred and fifty; to the State of Pennsylvania, six hundred and ninety; to the State of Delaware, forty; to the State of Maryland, one hundred and ninety; to the State of Virginia, five hundred; to the State of North Carolina, three hundred and ninety; to the State of South Carolina, two hundred and forty; to the State of Georgia, two hundred and eighty; to the State of Kentucky, three hundred and ten; to the State of Tennessee, three hundred and thirty; to the State of Ohio, six hundred and ten; to the State of Louisiana, one hundred and forty; to the State of Indiana, two hundred and eighty; to the State of Mississippi, one hundred and fifty; to the State of Illinois, two hundred and thirty; to the State of Alabama, two hundred and forty; to the State of Missouri, one hundred and sixty; to the State of Arkansas, fifty; to the State of Michigan, ninety; to the Territory of Florida, thirty; to the Territory of Wisconsin, twenty; to the Territory of Iowa, thirty; to each member of the present Congress, and the delegates from the Territories, the President and Vice President of the United States, to each, five copies; being, in the whole, eight thousand five hundred and ten copies; and that the remaining copies be placed in the Library of Congress for future disposition.

Distribution to be made by the Secretary of State, as follows. Act of March 3, 1839, ch. 30.

APPROVED, September 1, 1841.

No. 5. *A Resolution in relation to the purchase of domestic water-rotted hemp for the use of the United States Navy.*

Sept. 11, 1841.

Resolved 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 hereby is, directed to purchase domestic water-rotted hemp for the use of the United States Navy, so far as the same shall be

Purchase of domestic water-rotted hemp, for the navy, directed.

found of suitable quality, and can be used beneficially to the service, having regard to the cost, strength, and durability of the article; and for that purpose shall cause purchases of such hemp to be made in the different hemp-growing regions of the Union.

This resolution to remain in force 7 years.

SEC. 2. *And be it further resolved*, That this joint resolution shall be and remain in force for the period of seven years from the passing thereof.

APPROVED, September 11, 1841.

Sept. 11, 1841.

No. 6. *A Joint Resolution making it the duty of the Attorney General to examine into the titles of the lands or sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes.*

Attorney Gen. to make the examination, and report to the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Attorney General of the United States to examine into the titles of all the lands or sites which have been purchased by the United States, for the purpose of erecting thereon armories, arsenals, forts, fortifications, navy yards, custom-houses, light-houses, or other public buildings of any kind whatever, and report his opinion as to the validity of the title in each case, to the President of the United States.

Title-papers to be furnished to the Attorney General.

2. *Resolved*, That it shall be the duty of all the officers of the United States having any of the title-papers to the property aforesaid in their possession, to furnish them forthwith to the Attorney General, to aid him in the investigation aforesaid.

Public money not to be expended on any site hereafter purchased, until, &c.

3. *Resolved*, That no public money shall be expended upon any site or land hereafter to be purchased by the United States for the purposes aforesaid, until the written opinion of the Attorney General shall be had in favor of the validity of the title, and also the consent of the Legislature of the State in which the land or site may be shall be given to said purchaser.

District Attorneys to furnish assistance.

4. *Resolved*, That it shall be the duty of the District Attorneys of the United States, upon the application of the Attorney General, to furnish any assistance or information in their power in relation to the titles of the public property aforesaid lying within their respective districts.

Secretaries of the Executive Departments to procure additional evidence.

5. *Resolved*, That it shall be the duty of the Secretaries of the Executive Departments, upon the application of the Attorney General, to procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of Government; the expense of procuring which to be paid out of the appropriations made for the contingencies of the Departments respectively.

To apply to the State Legislatures for jurisdiction over said lands, &c.

6. *Resolved*, That it shall be the duty of the Secretaries of the Executive Departments, respectively, under whose direction any lands for the purposes aforesaid may have been purchased, and over which the United States do not possess jurisdiction, to apply to the Legislatures of the States in which the lands are situated, for a cession of jurisdiction, and in case of refusal, to report the same to Congress at the commencement of the next session thereafter.

APPROVED, September 11, 1841.