

PRIVATE ACTS OF THE TWENTY-SIXTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, 1840, and ended on the third day of March, 1841.

MARTIN VAN BUREN, President; RICHARD M. JOHNSON, Vice President of the United States and President of the Senate; ROBERT M. T. HUNTER, Speaker of the House of Representatives.

STATUTE II.

Feb. 2, 1841.

CHAP. IV.—*An Act making temporary provision for lunatics in the District of Columbia.*

Certain lunatics to be sent to the lunatic asylum in Baltimore, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshal for the District of Columbia be, and he is hereby, authorized to send to the lunatic asylum, in Baltimore, all such lunatic persons, who are paupers, as are now confined in the jails of Washington and Alexandria counties, and all such as may hereafter be committed as lunatics, by order of the circuit or criminal courts, they being paupers of the said District of Columbia, and their support being legally chargeable thereto; and that he pay the expenses of their removal, and of their maintenance in said asylum, and be allowed for the same in the settlement of his accounts at the Treasury of the United States: *Provided,* Said expenses shall not exceed, in the whole, the sum of three thousand dollars per annum.

Proviso.

Limitation of this act.

SEC. 2. *And be it further enacted,* That this act shall continue in force until the fourth day of March, in the year one thousand eight hundred and forty-three, and no longer.

APPROVED, February 2, 1841.

STATUTE II.

Feb. 18, 1841.

CHAP. VIII.—*An Act for the relief of Gurdon S. Hubbard, Robert A. Kinzie, and others.*

Reversionary interest of U. S. in certain reservations, relinquished to persons hereinafter named.

Be it enacted, &c., That the reversionary interest of the United States in and to the following Indian reservations, under the treaty with the Pottawatomies of the Prairie and Kankakee, made at Camp Tippecanoe, on the twentieth day of October, anno Domini one thousand eight hundred and thirty-two, be, and the same hereby is, relinquished to the persons hereinafter named, respectively, that is to say:

To Thomas Durham and John Blackstone, according to their several shares as purchased of Jacques Jonveau, the section reserved by said treaty to said Jacques Jonveau;

To Noel Vasseur, six hundred and forty acres of the reservation to Me-she-ke-ton-o, reference being had to the deed of said reservee to said Vasseur for location and more particular description thereof;

To Gurdon S. Hubbard, E. K. Hubbard, H. G. Hubbard, and Noel

Vasseur, the remaining one section of the reservation to said Me-she-ke-ton-o;

To Noel Vasseur, the one section reserved to Francis Le Vice;

To Gurdon S. Hubbard and Richard J. Hamilton, the reservation to Joseph Leframboise and Therese, his wife;

To Robert A. Kinzie and Richard J. Hamilton, the reservation of one section to Archange Peltier;

To Richard J. Hamilton, the reservation of one section to Min-e-maung.

It being understood, and this relinquishment is made upon the condition, that the several persons herein named as grantees have purchased of the several reservees, by authentic and regular deeds, their respective rights in and to the said reservations: *And provided, further,* That no sale or conveyance of said reservations by the said reservees shall be deemed regular, nor shall this act have effect, until the President of the United States shall have approved such conveyance, and endorsed his approval thereon.

APPROVED, February 18, 1841.

Conditions on which the relinquishment is made.

STATUTE II.

Feb. 18, 1841.

CHAP. IX. — *An Act supplementary to an act entitled "An act to encourage the introduction, and promote the cultivation of tropical plants," approved seventh July, eighteen hundred and thirty-eight.*

Whereas, under the provisions of the act, to which this is a supplement, Doctor Henry Perrine made, in the manner thereby required, the location therein authorized; and while engaged in the necessary measures to carry into effect the objects contemplated by the said act, was murdered by the Seminole Indians: and whereas Mrs. Ann F. Perrine, the widow of the said Doctor Perrine, is anxious to continue the undertaking thus commenced by her late husband, but is prevented from so doing by the continuance of the Indian war in Florida: therefore,

Preamble. Act of July 7, 1838, ch. 188.

Be it enacted, &c., That Mrs. Ann F. Perrine, the widow of the said Henry Perrine, and Sarah Ann Perrine, Hester M. S. Perrine, and Henry E. Perrine, his surviving children, are hereby declared to be entitled to all the rights and privileges vested in and granted to the said Doctor Henry Perrine, by the act to which this is a supplement, and that the time limited by the said act in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States, be, and the same is hereby, extended to eight years from and after the time when the present Indian war in Florida shall cease and determine.

Widow and children of Dr. Perrine entitled to the rights, &c. vested in him, &c.

APPROVED, February 18, 1841.

STATUTE II.

Feb. 27, 1841.

CHAP. X. — *An Act for the relief of Mary Tucker.*

Be it enacted, &c., That the west half of section fifteen, in township six south, of range two east, in the Territory of Arkansas, be, and the same is hereby, reserved from sale, and appropriated for the use of schools in said township, in lieu of the south-west fractional quarter and the south-east fractional quarter of section sixteen, in that township; and the east half of section number fifteen, in township number six south, of range two east, shall be taken and held, in all respects, and for the same purposes, as the aforesaid fractional quarters of section number sixteen would have been held and taken if this act had not been passed, the majority of the citizens of said township having agreed to the same.

1843, ch. 16. Certain land to be reserved for the use of schools, in lieu of other land.

Mary Tucker, the occupant, authorized to enter said land.

SEC. 2. *And be it further enacted*, That Mary Tucker, the occupant upon said fractional quarter sections, be, and is hereby, authorized to enter the same within six months from the passage of this act, at one dollar and twenty-five cents per acre, in the proper land office.

APPROVED, February 27, 1841.

STATUTE II.

March 2, 1841.

CHAP. XIV. — *An Act for the relief of Lieutenant John E. Bispham.*

To be paid the sum awarded to him as one of the captors of a piratical felucca.

Be it enacted, &c., That there be paid to Lieutenant John E. Bispham, out of any money in the treasury not otherwise appropriated, the sum of twenty-nine dollars and sixteen cents, the amount awarded to him by Congress, as one of the captors of a piratical felucca, taken in the West Indies, in eighteen hundred and twenty-three, and transferred to the treasury by reason of his non-claim within the time limited by law.

APPROVED, March 2, 1841.

STATUTE II.

March 2, 1841.

CHAP. XV. — *An Act for the relief of Jean Baptiste Comeau.*

Authorized to enter land, in lieu of, &c.

Be it enacted, &c., That Jean Baptiste Comeau, of the parish of Lafayette, in the state of Louisiana, be, and he is hereby, authorized to enter, without payment therefor, two hundred and ten acres of land, upon any of the public lands which have been surveyed, and are subject to sale by private entry in the said state, in lieu of a like quantity of land confirmed to him upon the report of the commissioners of land claims for the western district of Louisiana, of the first of May, one thousand eight hundred and fifteen, and which was subsequently sold by the United States to a certain Jean E. Lefebvre, under the provisions of the act of the twelfth of April, one thousand eight hundred and fourteen, entitled "An act for the final adjustment of land titles in the state of Louisiana and territory of Missouri:" *Provided*, The location of the land, the entry of which is here authorized, shall, as near as can be, conform to the legal divisions and subdivisions of the surveys of the public lands, and if the quantity located shall exceed two hundred and ten acres, the residue shall be paid for at the minimum price of public lands; and upon a return of the usual certificate to the General Land Office of the United States, a patent shall issue, as in other cases of land sold by the United States.

APPROVED, March 2, 1841.

STATUTE II.

March 2, 1841.

CHAP. XVI. — *An Act for the relief of John Carter.*

Authorized to bring a slave into the District of Columbia.

Be it enacted, &c., That John Carter, of Georgetown, in the District of Columbia, be, and he is hereby, authorized to bring into the District of Columbia, from the state of Alabama, his slave man William, and the said slave to hold in the said district, in the same manner as if the said man William had been always resident in the said district; any law or usage to the contrary notwithstanding.

APPROVED, March 2, 1841.

STATUTE II.

March 2, 1841.

CHAP. XVII. — *An Act granting a pension to Hannah Leighton.*

To be placed on pension roll.

Be it enacted, &c., That the Secretary of War place the name of Hannah Leighton on the roll of revolutionary pensioners, and pay her a pension at the rate of eighty dollars a year, from the fourth day of March, one thousand eight hundred and thirty-one, during her life.

APPROVED, March 2, 1841.

CHAP. XVIII. — *An Act for the relief of William Jones.*

Be it enacted, &c., That the register and receiver of the land office at Huntsville, in the state of Alabama, be, and they are hereby, required to issue a certificate to William Jones, of Lawrence county, in said state, for the amount received in said land office for the south-west quarter of section twenty-two, in township five, of range three west, and the additional amount of the interest which has accrued thereon, at the rate of six per centum per annum: *Provided,* said Jones shall file in said land office a relinquishment of all right, title, and interest, in said quarter section, to the Government of the United States; and the said certificate shall be received in payment of any of the public lands which may be thereafter sold in the said state of Alabama: *And provided, also,* That it shall be satisfactorily shown to said register and receiver, that said quarter section was selected by the state of Alabama, under the act of Congress granting four hundred thousand acres of relinquished land to said state, for the improvement of the navigation of the Tennessee and other rivers, before the sale thereof at said United States land office.

APPROVED, March 2, 1841.

STATUTE II.
March 2, 1841.

A certificate for amount paid for certain land, with interest, to be issued.

Proviso.

Proviso.

1823, ch. 75.

CHAP. XIX. — *An Act for the relief of Charles M. Keller and Henry Stone.*

Be it enacted, &c., That the Secretary of the Treasury pay to Charles M. Keller and Henry Stone, out of any money not otherwise appropriated, the sum of two hundred and twenty-seven dollars and fifty cents, for property destroyed by fire while in the public service.

APPROVED, March 2, 1841.

STATUTE II.
March 2, 1841.

Payment for property destroyed.

CHAP. XX.—*An Act for the relief of William P. Rathbone.*

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to settle the accounts of William P. Rathbone, late a district paymaster in the army of the United States; and also his accounts as army contractor, under his contracts of the first of November, eighteen hundred and sixteen, and of the fifth of November, eighteen hundred and seventeen, (giving proper consideration to the report of referees made in a cause commenced in the district court of the United States for the southern district of New York, by the United States of America, against the said William P. Rathbone and his sureties, and bearing date on the seventeenth day of October, in the year of our Lord one thousand eight hundred and twenty-three, without considering it as conclusive,) and that the balance, if any, which may be found due to the said William P. Rathbone, be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 2, 1841.

STATUTE II.
March 2, 1841.

His accounts as paymaster and collector to be settled, &c.

CHAP. XXII. — *An Act for the relief of Joab Seely.*

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to refund and pay to Joab Seely, the sum of twenty dollars, being the amount of an overpayment made by him into the treasury of the United States for a patent for a new invention.

APPROVED, March 2, 1841.

STATUTE II.
March 2, 1841.

Patent fees to be refunded.

STATUTE II.

March 2, 1841.

CHAP. XXIII.—*An Act granting a pension to Lemuel White.*To be placed
on pension roll.

Be it enacted, &c., That the Secretary of War place the name of Lemuel White on the roll of revolutionary pensioners, and pay him a pension at the rate of twenty dollars a year, from the fourth day of March, one thousand eight hundred and thirty-one, during his life.

APPROVED, March 2, 1841.

STATUTE II.

March 3, 1841.

CHAP. XXVII.—*An Act for the relief of Avery, Saltmarsh, and Company.*Payment for
property de-
stroyed by the
Creek Indians.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the treasury not otherwise appropriated, to Avery, Saltmarsh, and Company, the contractors for carrying the mail on the route from Columbus, Georgia, to Montgomery, Alabama, the sum of nine thousand seven hundred and seventy-nine dollars, it being for property employed by them in transportation of the mail captured and destroyed by the Creek Indians in May, eighteen hundred and thirty-six.

APPROVED, March 3, 1841.

STATUTE II.

March 3, 1841.

CHAP. XXVIII.—*An Act for the relief of the heirs of Miguel Eslava.*Decision of the
register, &c.
respecting a
land claim, con-
firmed.Act of March
2, 1829, ch. 40.

Proviso.

Proviso.

After the loca-
tion, patents
shall issue, &c.

Proviso.

Patents to be
issued to J. Hunt
and A. H. Gaz-
zam.

Proviso.

Be it enacted, &c., That the decision of the register and receiver of the land office for the district of St. Stephen's, in the state of Alabama, as contained in their report bearing date the third day of May, one thousand eight hundred and thirty-two, confirming a claim of the heirs of Miguel Eslava, deceased, (being claim number three in report number two,) and made in pursuance of the act of Congress, approved the second day of March, one thousand eight hundred and twenty-nine, entitled "An act confirming the reports of the register and receiver for the district of St. Stephen's, in the state of Alabama, and for other purposes," be, and the same is hereby, confirmed: *Provided,* That the confirmation provided to be made by this act shall amount only to a relinquishment, for ever, on the part of the United States, of all right and title whatever to the land so confirmed or granted: *Provided, also,* That the survey and location hereafter to be made of said claims, which are hereby confirmed, shall be made in conformity with the original Spanish title-papers, unless the surveys of said claims be found variant from the grants, according to the usages of the Spanish Government; in which case, the grants are to govern.

SEC. 2. *And be it further enacted,* That after the proper location of the claims hereby confirmed, it shall be the duty of the Commissioner of the General Land Office to issue patents for the same, containing a reservation of the rights of all third persons: *Provided,* That the said patents shall be construed to convey to the claimants all such legal and equitable rights only, as may exist under the laws of nations, or under the constitution and laws of the United States, or treaties applicable to the said grants, under and by virtue of the said Spanish grants. And it shall be also the duty of the Commissioner of the General Land Office, forthwith to issue patents to Jonathan Hunt and Audley H. Gazzam, for all such portion of said lands, for which they now hold receipts issued by the receiver of the land office at St. Stephen's, in the state of Alabama; which patents shall contain an exception and reservation of all the rights of the said Spanish grantees, their heirs or assigns, under the titles claimed by them under the Spanish Government: *Provided,* That the patents issued to the said Hunt and Gazzam shall be construed to convey to them all such rights only, as are not inconsistent with the legal or equitable rights of the said Spanish grantees, their heirs or assigns,

under the laws of nations, or under the constitution and laws of the United States, or treaties applicable to said grants, under and by virtue of the Spanish grants hereby confirmed.

APPROVED, March 3, 1841.

CHAP. XXIX.—*An Act for the relief of Joseph Bogy.*

Be it enacted, &c., That Joseph Bogy, to whom was confirmed a concession of three hundred and twenty arpens of land in Arkansas, by mistake for eight hundred arpens, be, and he is hereby, empowered to locate four hundred and eighty arpens of land on any land subject to sale at private entry, in the state of Arkansas.

APPROVED, March 3, 1841.

STATUTE II.

March 3, 1841.

Authorized to locate a tract of land.

CHAP. XXX.—*An Act to authorize the Secretary of the Treasury to refund the duties collected on the French ship Alexandre.*

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to refund, out of any money in the treasury not otherwise appropriated, such amount of duty as may have been collected at the port of Newport, upon the French ship *Alexandre*, and her cargo, brought into the United States by mutineers. The vessel being bound, at the time the mutiny occurred, to the port of Bordeaux, in France, and no part of the cargo having been consumed in the United States.

APPROVED, March 3, 1841.

STATUTE II.

March 3, 1841.

Certain duties to be refunded.

CHAP. XXXI.—*An Act respecting the heirs of Agness Dundas.*

Be it enacted, &c., That from and after the passing of this act, whatever interest in law or equity the United States may have to the houses, and lot on which said houses stand, being on the north side of King street, between Pitt and Royal streets, in the town of Alexandria, in the District of Columbia, with all the back buildings and warehouses, to Hooff's alley, and in and to the mesne profits arising from the same, shall be, and the same is hereby, released to Nancy M. Keene, Sophia Peyton, Eliza Dundas, John Dundas, Thomas Dundas, William H. Dundas, and Henry T. Dundas, claiming to be the lawful heirs of Agness Dundas, deceased, late of the District of Columbia.

APPROVED, March 3, 1841.

STATUTE II.

March 3, 1841.

Interest of the U. S. in certain houses and lots in Alexandria, released.

CHAP. XXXII.—*An Act to incorporate the Washington City Benevolent Society.*

Be it enacted, &c., That from and after the passage of this act, all those persons who are, or shall hereafter become, members of "the Washington City Benevolent Society," of the city of Washington, District of Columbia, be, and they are hereby, made a body corporate and politic, by the name and style of "the Washington City Benevolent Society," and shall so continue until the third day of March, one thousand eight hundred and sixty, and by that name shall have perpetual succession, and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record and in any other place whatsoever; and by that name may make, have, and use, a common seal, and the same may break, alter, and renew at pleasure; and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws and Constitution of the United States; and generally to do and execute all acts necessary or proper for the objects of said corporation, subject to the limitations and provisions of this act.

STATUTE II.

March 3, 1841.

Incorporation.

Term of incorporation.

The usual rights, &c. of a body corporate, granted.

Investment of moneys.

SEC. 2. *And be it further enacted*, That the monthly contributions, and all other moneys received on account of the society, may, from time to time, be invested in the public stocks of the United States, in loans to individuals, or in stocks of any incorporated banking institution or corporation; and the moneys so invested, or that may be deposited, shall be drawn out of the bank or place of deposit only on the order of the Treasurer, countersigned by the Secretary, and approved by the President: *Provided, nevertheless*, That the said society or body politic shall not, at any one time, hold or possess property, real, personal, or mixed, exceeding in total value the sum of twenty thousand dollars.

Proviso.

Corporation not to have banking privileges, &c.

SEC. 3. *And be it further enacted*, That it shall not be lawful for the said corporation to deal or trade in the manner of a bank, nor issue any note in the nature of a bank note, nor transact any other kind of business, or deal in any other manner or thing than is expressly authorized by the second section of this act; and any officer or officers who shall have assented to any such dealing or trade, shall, on conviction thereof, in the proper court, forfeit and pay the sum of five hundred dollars, one half to the use of the poor of the city of Washington, District of Columbia, and the other half to the use of the person who may prosecute for the same: *Provided, always*, That congress may, at any time, amend, alter, or annul this act.

Penalty.

Proviso.

APPROVED, March 3, 1841.

STATUTE II.

March 3, 1841.

CHAP. XXXIX. — *An Act to authorize the enrolment or register of the schooner Amistad.*

Schr. Amistad may be registered or enrolled.

Be it enacted, &c., That the Spanish schooner Amistad, lately sold at New London, by the marshal, in pursuance of an order of the district court of the United States for the district of Connecticut, may be registered, or enrolled, the same as if said schooner had been built within the United States.

APPROVED, March 3, 1841.