

ACTS OF THE SEVENTEENTH CONGRESS

OF THE

UNITED STATES,

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

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

STATUTE I.

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

Dec. 19, 1821.

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

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

APPROVED, December 19, 1821.

STATUTE I.

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

Feb. 4, 1822.

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

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

Proviso.

APPROVED, February 4, 1822.

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

STATUTE I.

Feb. 4, 1822.

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

Act of April
10, 1806, ch. 25.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act, entitled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed on the tenth day of April, one thousand eight hundred and six, and limited, as in said act declared, to the term of six years, and afterwards revived and continued in force, for and during the term of six years, by an act, entitled "An act, to revive and continue in force 'An act to provide for persons who were disabled by known wounds received in the revolutionary war,' and for other purposes," passed on the twenty-fifth day of April, in the year one thousand eight hundred and twelve, and afterwards revived and continued in force for the term of one year, by an act, entitled "An act to revive and continue in force an act, entitled 'An act to provide for persons who were disabled by known wounds received in the revolutionary war,'" passed on the fifteenth day of May, in the year one thousand eight hundred and

Act of April
25, 1812, ch. 69.

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

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

Proviso.

Act of May 15,
1820, ch. 109.

Proviso.

Act of March
3, 1819, ch. 99.

Pensions to
commence at
the time of
completing tes-
timony.

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

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

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

APPROVED, February 4, 1822.

STATUTE I.

Feb. 19, 1822.

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

[Obsolete.]
Sums appro-
priated for pay,
subsistence,
provisions, re-
pairs and con-
tingent ex-
penses.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and they are hereby, appropriated to the objects herein specified, to wit: for the pay and subsistence of the officers and pay of the seamen, one hundred thousand dollars; for provisions, twenty thousand dollars; for repairs, twenty thousand dollars; for contingent expenses, twenty thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 19, 1822.

Out of money
in the treasury.

STATUTE I.

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

Feb. 19, 1822.

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

APPROVED, February 19, 1822.

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

STATUTE I.

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

Feb. 23, 1822.

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

APPROVED, February 23, 1822.

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

STATUTE I.

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

March 7, 1822.

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

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

Number of members to which each state is entitled.

(a) See the acts relating to the apportionment of representatives among the several states, according to the census of the United States, vol. ii. 123.

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

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

APPROVED, March 7, 1822.

STATUTE I.

March 15, 1822.

[Obsolete.]

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

Pay and subsistence of officers.

Subsistence in addition to an unexpended balance.

Forage.

Medical and hospital department.

Purchasing department.

Quartermaster general's department.

Contingencies.

Quartermaster's supplies, &c.

Pensions to invalids and others.

Revolutionary pensioners.

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, respectively appropriated for the military service of the United States for the year one thousand eight hundred and twenty-two, to wit :

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

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

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

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

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

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

For the contingencies of the army, twenty thousand dollars.

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

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

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

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

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

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 15, 1822.

Balance due the state of Maryland.

Out of any money in the treasury.

STATUTE I.

March 16, 1822.

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

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

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

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

The state of Missouri a judicial district.

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

The judge to appoint a clerk.

Clerk's fees.

Proviso.

Salary of the judge.

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

District attorney to receive 200 dollars annually besides fees.

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

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

A marshal for the district to

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

receive 200 dollars besides fees.

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

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

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

APPROVED, March 16, 1822.

STATUTE I.

March 30, 1822.

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

East and west Florida, as

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

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

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

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

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

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

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

ceded by Spain, to constitute the territory of Florida.

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

Powers and duties of the governor.

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

Duties of the secretary.

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

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

Powers of the legislature.

Restriction of the powers of legislation.

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

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

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

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

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

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

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

Sessions of the legislative council.

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

Judicial power vested in two superior courts, &c.

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

Jurisdiction of the superior courts.

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

Established fees to the clerks.

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

Act of 1789, ch. 20.

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

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

Clerks to keep the records, &c.

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

Two attorneys for the territory.

Attorneys' additional fees.

A marshal for each superior court.

200 dollars annually, be-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sides fees, to each marshal.

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

Term of judicial offices.

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

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

The secretary, &c., before the governor.

Salaries to the governor, &c.

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

The acts mentioned in force in Florida.

1790, ch. 9.

1817, ch. 92.

1818, ch. 88.

1799, ch. 1.

1793, ch. 7.

1794, ch. 11.

1800, ch. 51.

1807, ch. 22.

1807, ch. 46.

1818, ch. 91.

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

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

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

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

Contracts not to be impaired, &c.

Qualification of grand and petit jurors, and

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

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

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

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

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

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

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

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

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

APPROVED, March 30, 1822.

selection of them.

Importation of slaves prohibited.

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

Present territorial laws in force till altered.

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

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

STATUTE I.

March 30, 1822.

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

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

Act of March 2, 1827, ch. 51. Illinois authorized to survey and mark through public lands, the route of a canal, connecting Illinois river with the southern bend of Lake Michigan, and 90 feet on each side reserved and vested in the state for a canal on condition, &c.

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

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

the United States.

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

The state may use necessary adjacent materials without waste.

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

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

APPROVED, March 30, 1822.

STATUTE I.

March 30, 1822.

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

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

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

Form of the oath.

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

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

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

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

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

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

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

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

APPROVED, March 30, 1822.

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

STATUTE I.

March 30, 1822.

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

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

APPROVED, March 30, 1822.

Act of April 20, 1818, ch. 115.

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

STATUTE I.

March 30, 1822.

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

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

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

APPROVED, March 30, 1822.

Act of May 8, 1792, ch. 36.

Act of March 3, 1797, ch. 27.

Act of May 19, 1828, ch. 68.

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

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

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

STATUTE I.

April 17, 1822.

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

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

Act of April 21, 1820, ch. 47.

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

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

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

APPROVED, April 17, 1822.

STATUTE I.

April 17, 1822.

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

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

Bounds of the port of entry.

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

APPROVED, April 17, 1822.

STATUTE I.

April 17, 1822.

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

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

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

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

APPROVED, April 17, 1822.

STATUTE I.

April 17, 1822.

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

Duty remitted on sword presented to Capt. Thomas Macdonough.

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

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

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

APPROVED, April 17, 1822.

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the thirtieth day of June next, the Alabama, Middle, and Tensaw rivers, in the state of Alabama, and all the shores and waters on the east side of the bay of Mobile, and all the rivers of the said state emptying into the Gulf of Mexico, to the east of said bay, shall form a collection district, to be called the district of Blakely, of which the port of Blakely shall be the sole port of entry; and a collector for the district shall be appointed, to reside at such place as the President of the United States shall direct, near said port, who shall be entitled to receive, in addition to the fees and other emoluments established by law, the annual salary of two hundred and fifty dollars.

APPROVED, April 17, 1822.

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

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

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

STATUTE I.

April 17, 1822.

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

STATUTE I.

April 20, 1822.

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

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

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

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

Periods of redemption of the new stock.

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

Proviso.

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

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

Proviso; no reimbursement, except, &c.

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

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

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

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

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

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

APPROVED, April 20, 1822.

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

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

Rights of non-subscribers neither altered nor abridged.

STATUTE I.

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

April 20, 1822.

[Expired.]

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

Act of March 17, 1800, ch. 15.
The act of March 17, 1800, declaring the assent of Congress to certain acts of the states of Maryland and Georgia, revived and continued.
Proviso.

APPROVED, April 20, 1822.

STATUTE I.

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

April 20, 1822.

[Expired.]

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

Act of March 2, 1821, ch. 12.
Those who did not avail themselves of the provisions of the act of March 2, 1821, allowed until Sept. 30, 1822, to surrender certificates, &c.
Act of April 3, 1823, ch. 28, and notes.

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

Purchasers, &c.

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

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

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

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

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

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

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

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

APPROVED, April 20, 1822.

STATUTE I.

April 26, 1822.

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

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

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

If the judge fails to attend on the first day

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

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

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

APPROVED, April 26, 1822.

the court to stand adjourned, &c.

STATUTE I.

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

April 26, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the district court of the United States for the district of Mississippi, heretofore holden at the seat of government in the state of Mississippi, on the first Mondays in January and July, shall, after the next July term, which may be holden at the city of Natchez, hereafter hold its regular terms at the courthouse of Adams county, in the city of Natchez, on the first Mondays in April and October, and may continue to sit at each term until the business of the court is finished.

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

SEC. 2. *And be it further enacted,* That every writ, process, subpoena, or recognisance, returnable according to law, or the tenor thereof, to either of the aforesaid terms holden on the first Mondays in January and July, shall, after the next July term, be returnable, and shall be returned to the next succeeding term of said court, to be holden on the first Mondays in April and October, after the passing of this act.

Writs, process, &c. returnable accordingly.

APPROVED, April 26, 1822.

STATUTE I.

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

April 26, 1822.

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

Act of March 3, 1817, ch. 61.

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

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

APPROVED, April 26, 1822.

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

STATUTE I.

April 26, 1822.

[Obsolete.]

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

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

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

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

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

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

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

APPROVED, April 26, 1822.

STATUTE I.

April 30, 1822.

[Obsolete.]

Sums appropriated for the year 1822.

Congress and their officers.

Contingent expenses of Congress.

Library and Librarian of Congress.

Books for library.

President. Vice President.

Secretary of State.

Clerks. 1818, ch. 87.

Messengers.

Contingent expenses.

Secretary of the Treasury.

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, respectively, appropriated for the service of the year one thousand eight hundred and twenty-two; that is to say:

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

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

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

For books for the library, one thousand dollars.

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

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

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

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

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

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

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

For compensation to the clerks in the office of the Secretary of the Treasury, ten thousand dollars.	Clerks.
For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.	Messengers.
For compensation to the first comptroller of the treasury, three thousand five hundred dollars.	First comptroller.
For compensation to the clerks in the office of the first comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the second comptroller of the treasury, three thousand dollars.	2d comptroller.
For compensation to the clerks in the office of the second comptroller, per act of the twentieth of April, one thousand eight hundred and eighty, nine thousand seven hundred and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the first auditor of the treasury, three thousand dollars.	1st auditor.
For compensation to the clerks in the office of the first auditor, per act of the twentieth of April, one thousand eight hundred and eighty, fifteen thousand two hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the second auditor of the treasury, three thousand dollars.	2d auditor.
For compensation to the clerks in the office of the second auditor, sixteen thousand two hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the third auditor of the treasury, three thousand dollars.	3d auditor.
For compensation to the clerks in the office of the third auditor, per act of the twentieth of April, one thousand eight hundred and eighty, twenty-eight thousand six hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.	Messengers.
For compensation to the fourth auditor of the treasury, three thousand dollars.	4th auditor.
For compensation to the clerks in the office of the fourth auditor, per act of the twentieth of April, one thousand eight hundred and eighty, fifteen thousand and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the fifth auditor of the treasury, three thousand dollars.	5th auditor.
For compensation to the clerks in the office of the fifth auditor, per act of the twentieth of April, one thousand eight hundred and eighty, ten thousand five hundred dollars.	Clerks. 1818, ch. 87.
For two clerks to complete the duties of the commissioner of the revenue, transferred to the office of the fifth auditor, two thousand five hundred and fifty dollars.	Clerks to commissioner of revenue.
For one clerk on the business of the agent of the treasury, transferred to the office of the fifth auditor, one thousand one hundred and fifty dollars.	Clerk on business of agent of the treasury.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the treasurer of the United States, three thousand dollars.	Treasurer.

- Clerks.
1818, ch. 87. For compensation to the clerks in the office of the treasurer of the United States, per act of twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.
- Additional clerk to treasurer, 1819, ch. 53.
1820, ch. 38. For compensation to an additional clerk, as allowed by act of appropriation of one thousand eight hundred and nineteen, and one thousand eight hundred and twenty; and, also, for an assistant to the chief clerk, one thousand two hundred dollars.
- Messenger.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Commissioner of general land office.
For compensation to the commissioner of the general land office, three thousand dollars.
- Clerks.
1818, ch. 87. For compensation to the clerks in the office of said commissioner, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.
- Messenger.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Register of treasury.
Clerks.
1818, ch. 87. For compensation to the register of the treasury, three thousand dollars.
- Messenger.
For compensation to the clerks in the office of the register, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.
- Secretary to sinking fund.
For compensation to the messenger in said office, including the allowance for stamping ships' registers, eight hundred dollars, in full of all allowances.
- Transmitting passports, translating, &c. in the treasury.
For allowance to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.
- Superintendent and watchmen.
For allowance to the person employed in transmitting passports and sea-letters, for expense of translating foreign languages in the office of the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts for the year one thousand eight hundred and twenty-two, thirty-six thousand dollars.
- Secretary of War.
Clerks.
1818, ch. 87. For allowance to the superintendent, and four watchmen, employed for the security of the state and treasury buildings, for the repairs of engines, hose and buckets, one thousand nine hundred dollars.
- Messengers.
For compensation to the Secretary of War, six thousand dollars.
- Paymaster general.
Clerks.
1818, ch. 87. For compensation to the clerks in the office of the Secretary of War, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-three thousand four hundred dollars.
- Messenger.
For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Commissary general.
Clerks.
1818, ch. 87. For compensation to the paymaster general, two thousand five hundred dollars.
- Messenger.
For compensation to the clerks in the office of the paymaster general, four thousand two hundred and fifty dollars.
- Commissary general.
Clerks.
1818, ch. 87. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Messenger.
For compensation to the commissary general of purchases, three thousand dollars.
- Adjutant general's clerks.
Clerks.
1818, ch. 87. For compensation to the clerks in the office of the commissary general of purchases, two thousand eight hundred dollars.
- Clerks of the Ordnance.
Clerks of commissary general of subsistence.
1818, ch. 87. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- For compensation to the clerks in the office of the adjutant general, two thousand one hundred and fifty dollars.
- For compensation to the clerks in the office of the ordnance, two thousand nine hundred and fifty dollars.
- For compensation to the clerks in the office of the commissary general of subsistence, two thousand one hundred and fifty dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For compensation to the Postmaster General, four thousand dollars.

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

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

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

For contingent expenses of said office, four thousand dollars.

For compensation to the surveyor general, two thousand dollars.

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

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

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

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

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

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

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

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

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

Clerks in the engineer office.

Surgeon general's clerk.

Contingent expenses of War Department.

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

Messengers.

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

Clerks. 1818, ch. 87.

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

Contingent expenses. Security of war and navy buildings.

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

Messengers.

Contingent expenses. Surveyor general. Clerks.

Surveyor south of Tennessee. Clerks.

Surveyor in Illinois and Missouri, &c. Clerks.

Surveyor in Alabama. Clerks.

Commissioner of public buildings.

Officers and clerks in the mint.

Persons employed in the mint.

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

Contingent expenses, &c.

For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage of the mint, eight thousand one hundred dollars.

Governor, &c. of Arkansas.

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

Contingent expenses.

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

Governor, &c. of Michigan.

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

Contingent expenses.

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

Judges of the United States.

For compensation to the chief justice, the associate judges, and district judges, of the United States, including the chief justice and associate judges of the District of Columbia, seventy-eight thousand two hundred dollars.

Attorney general.

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

Clerk.

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

Reporter of decisions of Supreme Court.

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

District attorneys and marshals.

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

Courts, jurors, and witnesses.

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

Sundry pensions.

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

Disabled seamen.

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

Lighthouses.

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

Re-building lighthouse on Fayerweather.

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

Building lighthouse on the Bodkin, &c.

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

Placing buoys near Cape Hatteras, &c.

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

Stationery, &c. for commissioners of loans.

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

Surveying public lands.

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

John Trumbull for paintings.

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED, April 30, 1822.

Prohibition of the slave trade.

Balances due to officers of the old internal revenue.

Miscellaneous claims.

Salaries of ministers of the United States in foreign places.

Outfit for minister at Lisbon.

Contingencies of foreign missions.

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

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

Ascertaining the longitude of the Capitol.

Out of any money in the Treasury.

Proviso.

Proviso.

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

Agent to order suit within sixty days, &c.

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

STATUTE I.

May 1, 1822.

[Obsolete.]

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for continuing the work on the centre building of the Capitol, and other improvements on the

Sums appropriated for—

Work on the centre building.

Culvert to the President's house, &c.

Grounds around the Capitol.

Out of moneys in the treasury.
Proviso.

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

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

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

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

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

APPROVED, May 1, 1822.

STATUTE I.

May 3, 1822.

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

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

Act of March 6, 1820, ch. 22.

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

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

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

The sums thus paid to be applied to the

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of public moneys of the several land offices in the said state of Missouri shall be settled, pay three per cent. of the net proceeds of the sales of the lands of the United States, lying within the state of Missouri, which since the first day of January, one thousand eight hundred and twenty-one, have been, or hereafter may be, sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may or shall be authorized by the legislature of the said state of Missouri to receive the same; which sum or sums, thus paid, shall be applied to the making of public roads and canals within the said state of Missouri, under the direction of the legislature thereof, according to the provisions on this subject contained in the act of Congress of the sixth of March, one thousand eight hundred and twenty, entitled "An act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories," and to no other purpose. And an annual account of the same shall be transmitted to the Secretary of the Treasury, by such officer or person of the state as the legislature thereof shall direct, and of its application, if any be made; and, in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sum or sums that may then be due, or which thereafter may become due, until a return shall be made as herein required.

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

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

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

APPROVED, May 3, 1822.

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

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

APPROVED, May 3, 1822.

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

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

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

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

1819, ch. 47.

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

Proviso.

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

STATUTE I.

May 3, 1822.

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

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

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

STATUTE I.

May 4, 1822.

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

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

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

Out of money in the treasury.
Proviso.

Proviso.

Proviso.

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

STATUTE I.

May 4, 1822.

[Obsolete.]

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

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

Provisions, in addition, &c.

Medicines, &c.

Repairs of vessels, in addition, &c.

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

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

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

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

APPROVED, May 4, 1822.

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for defraying the expenses of the Navy for the year one thousand eight hundred and twenty-two, the following sums be, and the same are hereby, respectively, appropriated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED, May 4, 1822.

Improvement of navy-yards, &c.

Pay of superintendents, &c.

Labourers and teams, &c.

Ordnance, &c.

Contingent expenses.

Pay, &c. of marine corps.

Clothing marine corps.

Fuel for marine corps.

Military stores for marine corps.

Contingent expenses.

To make good a deficit in the contingent expenses.

Out of money in the treasury.

Proviso.

Proviso.

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

STATUTE I.

May 4, 1822.

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

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

APPROVED, May 4, 1822.

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

STATUTE I.

May 4, 1822.

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

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

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

APPROVED, May 4, 1822.

STATUTE I.

May 4, 1822.

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

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

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

APPROVED, May 4, 1822.

STATUTE I.

May 4, 1822.

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

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

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

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

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

Fines to be recovered as the state legislature may prescribe.

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

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

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

APPROVED, May 4, 1822.

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

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

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

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

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

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

STATUTE I.

May 6, 1822.

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

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

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

Act of March 2, 1811, ch. 30.
Act of May 6, 1822, ch. 58.

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

Agents to be appointed.

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

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

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

Act of March 2, 1811, ch. 30.

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

The surplus, if any, to be sold.

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

Provided.

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

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

APPROVED, May 6, 1822.

STATUTE I.

May 6, 1822.

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

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

Land office.

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

Proviso.

Proviso.
District of Pearl river.

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

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

Patents to issue as in other cases.

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

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

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

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

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

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

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

APPROVED, May 6, 1822.

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

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

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

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

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

STATUTE I.

May 6, 1822.

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

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

SEC. 2. *And be it further enacted*, That, in the event of the signature of any treaty or convention concerning the navigation or commerce between the United States and France, the President of the United States be, and is hereby, authorized, should he deem the same expedient, by proclamation, to suspend, until the end of the next session of Congress, the operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels," and for other purposes; and also to suspend, as aforesaid, all other duties on French vessels, or the goods imported in the same, which may exceed the duties on American vessels, and on similar goods imported in the same.

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

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

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

Act of April 18, 1818, ch. 70.

Act of May 15, 1820, ch. 122.

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

Act of May 15, 1820, ch. 126.

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

The 3d, 4th,

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

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

APPROVED, May 6, 1822.

STATUTE I.

May 6, 1822.

Act of March 3, 1803, ch. 31. The provisions in the act for the relief of insolvent debtors within the District of Columbia, which requires a year's residence, repealed.

Proviso.

This act in force from its passing.

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

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

APPROVED, May 6, 1822.

STATUTE I.

May 6, 1822.

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

Superintendents and agents may grant licenses.

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

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

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

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

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

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

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

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

If ardent spirits are found, the goods are forfeited.

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

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

Accounts annually settled at the War Department, &c.

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

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

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

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

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

A superintendent of Indian affairs, to reside at St. Louis, &c.

And an agent in East and West Florida.

APPROVED, May 6, 1822.

STATUTE I.

May 7, 1822.

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

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

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

Proviso.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

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

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

District of St. Augustine.

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

District of Key West.

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

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

District of Apalachicola.

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

District of Pensacola.

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

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

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

The President to appoint a collector for each district.

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

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

Collectors and surveyors to give bond, &c.

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

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

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

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

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

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

APPROVED, May 7, 1822.

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

Each surveyor 300 dollars per annum.

Powers of the collectors and surveyors.

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

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

Proviso.

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

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

STATUTE I.

May 7, 1822.

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

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

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

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

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

be punished by fine and imprisonment.

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

This act in force from June 1, 1822.

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

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

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

The register at Terre Haute authorized to select school lands.

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

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

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the fourteenth section of the act, entitled "An act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one, be, and the same is hereby, repealed.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

[Obsolete.]

Sums appropriated—

Fortifications.

Fort Delaware.

Fort Washington.

Fort Monroe.

Fort Calhoun.

Mobile Point, Rigolets and Chef Mentour.

CHAP. LXXXIX.—*An Act making further appropriations for the military service of the United States for the year eighteen hundred and twenty-two, and for other purposes.*

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

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

For Fort Delaware, twenty thousand dollars.

For Fort Washington, twenty-five thousand dollars.

For Fort Monroe, seventy-five thousand dollars.

For Fort Calhoun, fifty thousand dollars.

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

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

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

For contingencies and repairs of fortifications, twenty thousand dollars.

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

For current expenses of the ordnance service, viz :

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

To meet ordinary requisitions for army supplies, viz :

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

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

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

For repairs of arsenals, one thousand dollars.

For the preservation of ammunition, five thousand dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Collecting materials, &c.

Repairs of fortifications, &c.

National armories.

Current expenses of ordnance service, army, &c.

Army supplies.

Miscellaneous expenses at arsenals.

Reparation of defective arms.

Repairs of arsenals.

Preservation of ammunition.

Payment of outstanding claims, &c.

Arrearages in War Department.

Pay to Indian agents, &c.

Presents to Indians.

Contingent expenses.

Deficit in the appropriation of 1821.

Quartermaster general's department.

Barracks at Baton Rouge.

Barracks at Carlisle.

Expenses of militia courts martial in Pennsylvania.

Court martial in Pennsylvania.

Court martial in Pennsylvania.

Balances of expenses of

militia court martial in New York.

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

For survey of certain ports, &c.

For medals for officers of the army, &c.

For relief of Col. William Lawrence, &c.

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

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

For holding treaties with the Cherokees and Creeks.

Out of money in the treasury.

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

1822, ch. 11.

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

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

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

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

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

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

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

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

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid out of any money in the treasury not otherwise appropriated.

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

The second section of act

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

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

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

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

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

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

APPROVED, May 7, 1822.

of May 8, 1792, ch. 37.

Second section of act of July 16, 1793, ch. 85:

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

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

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

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

STATUTE I.

May 7, 1822.

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

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

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

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

The commis-

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

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

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

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

sioner to give bond with one or more sureties.

Proviso.

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

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

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

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

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

To the Ottawas.

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

To the Pattawatimas.

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

To the Kickapoos.

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

To the Choctaws.

Annuity to Mushalatubbee, &c.

Annuity to the Kaskaskias.

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

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

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

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

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

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

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

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

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

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

No landing for wharfage between Third and Sixth streets.

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

The deeds to be recorded, &c.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED, May 7, 1822.

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

STATUTE I.

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

May 7, 1822.

[Obsolete.]

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

Certain collection districts annexed to others.

Districts annexed abolished, &c.

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

Certain other districts annexed to those mentioned.

The districts annexed estab-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

lished as ports of delivery, &c.

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

Certain ports of delivery discontinued.

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

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

The salaries of the collectors mentioned, to cease.

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

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

Collectors.

Surveyors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Naval officers.

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

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

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

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

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

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

Salary to deputy collector, &c.

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

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

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

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

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

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

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

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

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

Collector of Cape Vincent.

This act in force from 30th June, 1822.

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

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

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

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

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

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

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

So much of the act of

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

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

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

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

APPROVED, May 7, 1822.

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

Notification of suspension to be published.

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

Appropriation.

STATUTE I.

May 7, 1822.

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

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

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

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

APPROVED, May 7, 1822.

VOL. III.—88

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

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

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

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

STATUTE I.

May 7, 1822.

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

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

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

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

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

Buoys at the places mentioned.

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

Appropriation for carrying this act into effect.

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

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

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

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

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

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

APPROVED, May 7, 1822.

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

1821, ch. 52.

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

The jurisdiction of the state to be first ceded.

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

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

Appropriation for completing the survey of the coast of Florida.

STATUTE I.

May 8, 1822.

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

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

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

Act of April 25, 1812, ch. 67.

Act of March 3, 1819, ch. 100.

Certain claims to lots in Mobile confirmed.

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

Proviso.

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

Proviso.

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

Act of May 8, 1822, ch. 123.

STATUTE I.

May 8, 1822.

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

A land office as the President may designate.

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

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

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

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

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

APPROVED, May 8, 1822.

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

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

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

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

APPROVED, May 8, 1822.

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

Proviso.

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

Act of March 3, 1819, ch. 92.
Act of April 24, 1820. ch. 51.

STATUTE I.

May 8, 1822.

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

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

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

SEC. 3. *And be it further enacted*, That all the public lands within the aforesaid district, to which the Indian title has been extinguished,

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

A land office at Fort Wayne.

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

Register and receiver to give security, &c.

All the public lands in the

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

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

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

Five dollars a day to the register and receiver.

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

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

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

APPROVED, May 8, 1822.

STATUTE I.

May 8, 1822.

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

Mail-routes discontinued.

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

Vermont.

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

New York.

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

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

New Jersey.

In New Jersey.—From Liberty Corner to Somerville.

Maryland.

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

Pennsylvania.

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

From Londontown to Messenburg.

Virginia.

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

North Carolina.

In North Carolina.—From Haysville to Williamsborough.

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

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

Kentucky.

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

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

Ohio.

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

Arkansas.

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

Post-roads established.

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

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

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

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

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

In Massachusetts.—From Plymouth to Carver and Rochester.

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

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

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

From Belchertown, by Enfield, to Greenwich.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

From South Danville to Goff's mills.

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

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

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

Post-roads
established.
Maine.
Vermont.

Massachu-
setts.

Connecticut.

New Hamp-
shire.

New York.

Post-roads
established.

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

From Cincinnati, through Willet and Freetown, to Harrison.

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

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

New Jersey.

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

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

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

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

From Princeton, by Harlingen, to Flagtown.

Maryland.

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

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

Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

From Selinsgrove to New Berlin.

From Ebensburg to Indiana.

From Uniontown, by Connelville, to Perryopolis.

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

Virginia.

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

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

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

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

From Halifax Courthouse to Person Courthouse, North Carolina.

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

From Lynchburg, by Pittsylvania Courthouse, to Danville, and from Danville to Halifax Courthouse.

Post-roads
established.

From Parkersburg to Kanawha Courthouse.

From Richmond to Chesterfield Courthouse, to go by Mechanick's Inn, instead of the route now established.

That the route from Stanton, by Greenbrier Courthouse, and Charleston, to Catletsburg, in Kentucky, be changed, so as to go by the Sulphur Springs, on Muddy creek, in Greenbrier.

From Bath Courthouse to Alleghany Courthouse.

In North Carolina.—From Haysville, in Franklin county, by Glasgow's store and Health Seat, to Oxford, in Granville.

North Caro-
lina.

From Ashe Courthouse to Jordan Councils, in same county.

From Stokesville, by Gates' Courthouse, to Sunbury.

That the route from Fayetteville to Salisbury be changed, so as to go by Carthage, M'Neil's, Hill's, and Skean's Ferry, and to return by Forrest's, Blakely, Lawrenceville, Allentown, and M'Auley's store.

From Fayetteville, by Graham's bridge, Rockingham, to Wadesborough.

From Tyson's store to Waddle's Ferry, Brower's mill, Hugh Moffitt's mill, then to Richard Kennon's and to Haywood.

From Waynesville, Haywood Courthouse, by Lovesville, on Scott's creek, to Franklin, in the Cherokee Purchase, and from thence to Rabun Courthouse, in Georgia.

In South Carolina.—From Rocky Mount to Pine Hill Post-office, to pass by Ebenezer Academy.

South Carolina.

From Fayetteville, in North Carolina, leaving the road to Camden at or near Laurel Hill, by Cheraw, to Camden.

From Cheraw, by Society Hill and Darlington Courthouse, to intersect the great southern route at Godfrey's ferry, on the Pedee river.

From Cheraw, by Chesterfield Courthouse, to Lancaster Courthouse.

In Georgia.—From Lawrenceville, in Guinett county, to the Standing Peach Tree, (Fayette Courthouse.)

Georgia.

From Jefferson, by Coleraine, by Crawford in Florida, and to St. Augustine, and the route at present used discontinued.

From Elberton to Ruckersville, in Elbert county.

In Alabama.—From Huntsville, by Triana, Mooresville, Athens, Eastport, and Bainbridge, to the Big Spring.

Alabama.

From Cahawba by Portland, Prairie Bluff, the Standing Peach Tree, through the populous settlement on Bassett's creek and by Clark Courthouse, to St. Stephen's, so as to reinstate the old route from Cahawba to St. Stephen's, and the present route from Cahawba to St. Stephen's to be discontinued.

From Ashville to Huntsville, by the way of Robertsville and Bennett's store.

From Augusta, on the Tallapoosa, by Coosanda, passing through the settlement in the upper end of Autago county, and the settlement of Mulberry creek, in Bibb county, by the falls of Cahawba, to the town of Tuscaloosa.

In Mississippi.—From Winchester, by Perry Courthouse and Columbia, to Holmesville.

Mississippi.

From Picken's Courthouse, in Alabama, by Monroe Courthouse, the Cotton Gin Port, and the Chickasaw Agency, in the state of Mississippi, to the Chickasaw Bluffs, in the state of Tennessee.

From the Choctaw Agency, by Jackson, to Monticello.

In Tennessee.—From Campbell's station, by Blair's Ferry, to Pumpkintown.

Tennessee.

From Sparta, in White county, to Pikeville, in Bledsoe county.

The post-road from Morgantown to Mount Pleasant, alias Pumpkintown, to go by Monroe Courthouse.

Post-roads
established.
Kentucky.

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

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

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

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

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

Ohio.

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

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

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

From the mouth of Little Scioto to Portsmouth.

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

From Columbus to Sunbury, through Harrison and Ravenna townships.

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

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

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

Indiana.

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

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

From Lawrenceburg, by Napoleon, to Indianapolis.

Illinois.

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

From Shawneetown, by Bellgrade, to America.

From Peoria, on Illinois river, to Sangama county.

From Edwardsville to Sangama Courthouse.

Missouri.

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

From Herculanum to Potosi.

From Jackson to Fredericktown.

From Potosi to New Bowling Green.

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

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

Arkansas.

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

From Little Rock, by Clark Courthouse, to Natchitoches.

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

Louisiana.

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

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

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

From New Orleans to Pensacola.

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

From Pensacola to Fort Hawkins, in Alabama.

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

APPROVED, May 8, 1822.

Florida.

Allowance to the postmaster at Salem, Mass.

STATUTE I.

May 8, 1822.

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

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

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

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

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

Act of March 3, 1819, ch. 100.

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

Proviso.

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

Proviso.

Act of March 3, 1819, ch. 100.

Proviso.

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

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

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

Act of March 3, 1819, ch. 100.

Act of March 3, 1803, ch. 27.

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

Proviso.

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

Persons entitled to tracts to be furnished with certificates.

Fees.

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

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

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

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

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

APPROVED, May 8, 1822.

CHAP. CXXIX.—*An Act for ascertaining claims and titles to land within the territory of Florida.* (a)

STATUTE I.
May 8, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for the purpose of The President, &c. to appoint three com-

(a) The decisions of the courts of the United States upon claims and titles to land in the territory of Florida, have been :

After the acquisition of Florida by the United States, in virtue of the treaty with Spain, of 22d of February, 1819, various acts of Congress were passed for the adjustment of private land claims, within the ceded territory. The tribunals authorized to decide on them, were not authorized to settle any which exceeded a league square; on those exceeding that quantity, they were directed to report, especially, their opinion, for the future action of Congress. The lands embraced in the larger claims were defined by surveys, and plats retained; these were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d of May, 1828. By the sixth section it was provided, "that all claims to land within the territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated, or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824. By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of Congress were excluded. *United States v. Arredondo et al.* 6 Peters, 706.

The grant of the king of Spain to F. M. Arredondo and Son, for land at Alachua, in Florida, gave a valid title to these claimants under the grant, according to the stipulations under the treaty between the United States and Spain, of 1819. By the laws of nations, of the United States, and of Spain, a concession or condition becomes absolute, where the condition is performed. *Ibid.* 691.

The original concession by governor Coppinger, on the petition of George J. F. Clarke, was made on the 17th of December, 1817, of twenty-six thousand acres of land, in the places he solicited in his petition, and a complete title was made of twenty-two thousand acres, part of the same, in December, 1817. Twenty thousand acres, part of the whole concession, were sold by the appellee. The other four thousand were surveyed in conformity with the decree of 17th December, 1817, and a complete title to the same was made by governor Coppinger, on the 4th of May, 1818. By the court—The claimant cannot avail himself of the grant of the 4th of May, 1818, made after the 24th of January, 1818, the time limited by the Florida treaty. He must rest his claim on the concession made on the 17th of December, 1817, *United States v. Clarke*, 8 Peters, 436.

The validity of concessions of land, by the authorities of Spain, in East Florida, is expressly recognised in the Florida treaty, and in the several acts of Congress. *Ibid.*

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty, as is allowed in the grant from the date of the instrument. And the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners, appointed in pursuance of that act. All the subsequent acts on the subject, observe the same language; and the titles under these concessions have been uniformly confirmed, when the tract did not exceed a league square. *Ibid.*

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain, before the cession of Florida by Spain to the United States, confirmed. *Mitchel et al. v. The United States*, 9 Peters, 711.

It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the acts of Congress for the settlement of land claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land. Held: that the acts of Congress submit these claims to the adjudication of this court as a court of equity; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate and inceptive titles, as legal and perfect ones; and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. *Ibid.*

In the case of the *United States v. Arredondo*, 6 Peters, 691, the lands granted had been in the possession and occupation of the Alachua Indians, and the centre of the tract was an Indian town of that name. But the land had been abandoned, and before any grant was made by the intendant, a report was made by the attorney and surveyor general on a reference to them, finding the fact of abandonment; on which it was decreed that the lands had reverted to, and become annexed to the royal domain. *Ibid.*

By the common law, the king has no right of entry on lands which is not common to his subjects; the king is put to his inquest of office, or information of intrusion, in all cases where a subject is put to his action; their right is the same, though the king has more convenient remedies in enforcing his. If the king has no original right of possession to lands, he cannot acquire it without office found, so as to annex it to his domain. *Ibid.*

The United States have acted on the same principle in the various laws which Congress have passed in relation to private claims to lands in the Floridas; they have not undertaken to decide for themselves, on the validity of such claims, without the previous action of some tribunal, special or judicial. They have not authorized an entry to be made on the possession of any person in possession, by colour of a Spanish grant or title; nor the sale of any lands as part of the national domain; with any intention to impair private rights. The laws which give jurisdiction to the district courts of the territories to decide in the first instance, and to this court on appeal, prescribe the mode by which lands which have been possessed or claimed to have been granted pursuant to the laws of Spain, shall become a part of the national domain; which, as declared in the seventh section of the act of 1824, is a "final decision against any claimant pursuant to any of the provisions of the law." *Ibid.*

missioners for
ascertaining
claims and titles
to lands in
Florida.

ascertaining the claims and titles to lands within the territory of Florida, as acquired by the treaty of the twenty-second of February, one thousand eight hundred and nineteen, there shall be appointed, by the President of the United States, by and with the advice and consent of the Senate,

One uniform rule seems to have prevailed in the British provinces in America, by which Indian lands were held and sold, from their first settlement, as appears by their laws; that friendly Indians were protected in the possession of the lands they occupied, and were considered as owning them by a perpetual right of possession in the tribe or nation inhabiting them as their common property, from generation to generation, not as the right of the individuals located on particular spots. Subject to this right of possession, the ultimate fee was in the crown and its grantees; which could be granted by the crown or colonial legislatures while the lands remained in possession of the Indians; though possession could not be taken without their consent. *Ibid.*

Individuals could not purchase Indian lands without permission or license from the crown, colonial governors, or according to the rules prescribed by colonial laws; but such purchases were valid with such license, or in conformity with the local laws; and by this union of the perpetual right of occupancy with the ultimate fee, which passed from the crown by the license, the title of the purchaser became complete. *Ibid.*

Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much in their actual possession as the cleared fields of the whites; and their rights to its exclusive enjoyment in their own way, and for their own purposes, were as much respected until they abandoned them, made a cession to the government, or an authorized sale to individuals. In either case their rights became extinct, the lands could be granted disencumbered of the right of occupancy, or enjoyed in full dominion by the purchasers from the Indians. Such was the tenure of Indian lands by the laws of Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia. *Ibid.*

Grants made by the Indians at public councils, since the treaty at Fort Stanwick's, have been directed directly to the purchasers, or to the state in which the land lies, in trust for them, or with directions to convey to them; of which there are many instances of large tracts so sold and held; especially in New York. *Ibid.*

It was the universal rule that purchases made at Indian treaties, in the presence, and with the approbation of the officer under whose direction they were held by the authority of the crown, gave a valid title to the lands; it prevailed under the laws of the states after the revolution; and yet continues in those where the right to the ultimate fee is owned by the states, or their grantees. It has been adopted by the United States: and purchases made at treaties held by their authority, have been always held good by the ratification of the treaty, without any patent to the purchasers from the United States. This rule in the colonies was founded on a settled rule of the law of England, that by his prerogative the king was the universal occupant of all vacant lands in his dominions, and had the right to grant them at his pleasure, or by his authorized officers. *Ibid.*

When the United States acquired and took possession of the Floridas, the treaties which had been made with the Indian tribes before the acquisition of the territory by Spain and Great Britain, remained in force over all the ceded territory as the laws which regulated the relations with all the Indians who were parties to them; and were binding on the United States, by the obligation they had assumed by the Louisiana treaty, as a supreme law of the land, which was inviolable by the power of Congress. They were also binding as the fundamental law of Indian rights, acknowledged by royal orders, and municipal regulations of the provinces, as the laws and ordinances of Spain in the ceded provinces, which were declared to continue in force by the proclamation of the governor in taking possession of the province; and by the acts of Congress which assured all the inhabitants of protection in their property. It would be an unwarranted construction of these treaties, laws, ordinances and municipal regulations, to decide that the Indians were not to be maintained in the enjoyment of all the rights which they could have enjoyed under either, had the province remained under the dominion of Spain. It would be rather a perversion of their spirit, meaning and terms, contrary to the injunction of the law under which the court acts, which makes the stipulations of any treaty, the laws and ordinances of Spain; and these acts of Congress, so far as either apply to this case, the standard rules for its decision. *Ibid.*

The treaties with Spain and England before the acquisition of Florida by the United States, which guaranteed to the Seminole Indians their lands according to the right of property with which they possessed them, were adopted by the United States; who thus became the protectors of all the rights they had previously enjoyed, or could of right enjoy under Great Britain or Spain, as individuals or nations, by any treaty, to which the United States thus became parties in 1803. *Ibid.*

The Indian right to the lands as property was not merely of possession, that of alienation was concomitant; both were equally secured, protected, and guaranteed by Great Britain and Spain, subject only to ratification and confirmation by the license, charter or deed from the governor representing the king. Such purchases enabled the Indians to pay their debts, compensate for their depredations on the traders resident among them, to provide for their wants; while they were available to the purchasers as payment of the considerations which at their expense had been received by the Indians. It would have been a violation of the faith of the government to both, to encourage traders to settle in the province, to put themselves and property in the power of the Indians, to suffer the latter to contract debts, and when willing to pay them by the only means in their power, a cession of their lands, withhold an assent to the purchase, which by their laws or municipal regulations was necessary to vest a title. Such a course was never adopted by Great Britain in any of her colonies; nor by Spain in Louisiana or Florida. *Ibid.*

The laws made it necessary, when the Indians sold their lands, to have the deeds presented to the governor for confirmation. The sales by the Indians transferred the kind of right which they possessed; the ratification of the sale by the governor must be regarded as a relinquishment of the title of the crown to the purchaser; and no instance is known where permission to sell has been "refused, or of the rejection of an Indian sale." *Ibid.*

In the present case the Indian sale has been confirmed with more than usual solemnity and publicity; it has been done at a public council and convention of the Indians conformably to treaties, to which the

three commissioners, who shall receive, as compensation for the duties enjoined by the provisions of this act, two thousand dollars each, to be paid quarterly, from the treasury; who shall open an office for the adjudication of claims, at Pensacola, in the territory of West Florida, and St.

Their pay.
To open an
office at Pensa-
cola.

king was a party, and which the United States adopted; and the grant was known to both parties to the treaty of cession. The United States were not deceived by the purchase, which they knew was subject to the claim of the petitioner, or those from whom he purchased; and they made no stipulation which should put it to a severer test than any other; and it was made to a house which, in consideration of its great and continued services to the king and his predecessor, had deservedly given them high claims as well on his justice as his faith. But if there could be a doubt that the evidence in the record did not establish the fact of a royal license or assent to this purchase, as a matter of specific and judicial belief, it would be presumed as a matter of law arising from the facts and circumstances of the case, which are admitted or unquestioned. *Ibid.*

As decided by the Supreme Court, the law presumes the existence in the provinces of an officer authorized to make valid grants; a fortiori, to give license to purchase and to confirm; and the treaty designates the governor of West Florida as the proper officer to make grants of Indian lands by confirmation; as plainly as it does the governor of East Florida to make original grants, or the intendant of West Florida to grant royal lands. A direct grant from the crown, of lands in a royal haven may be presumed on an uninterrupted possession of sixty years; on a prescriptive possession of crown lands for forty years. *Ibid.*

The length of time which brings a given case within the legal presumption of a grant, charter or license, to validate a right long enjoyed, is not definite, depending on its peculiar circumstances. *Ibid.*

Juan Percheman claimed two thousand acres of land lying in the territory of Florida, by virtue of a grant from the Spanish governor, made in 1815. His title consisted of a petition presented by himself to the governor of East Florida, praying for a grant of two thousand acres, at a designated place, in pursuance of the royal order of the 29th of March, 1815, granting lands to the military who were in St. Augustine during the invasion of 1812 and 1813; a decree by the governor, made 12th December, 1815, in conformity to the petition, in absolute property, under the authority of the royal order, a certified copy of which decree and of the petition was directed to be issued to him from the secretary's office, in order that it may be to him in all events an equivalent of a title in form; a petition to the governor, dated 31st December, 1815, for an order of survey, and a certificate of a survey having been made on the 20th of August, 1819, in obedience to the same. This claim was presented, according to law, to the register and receiver of East Florida, while acting as a board of commissioners to ascertain claims and titles to lands in East Florida. The claim was rejected by the board, and the following entry made of the same. "In the memorial of the claimant to this board, he speaks of a survey made by authority in 1829. If this had been produced, it would have furnished some support for the certificate of Aguilar. As it is, we reject the claim." Held, that this was not a final action on the claim, in the sense those words are used in the act of the 26th of May, 1830, entitled "An act supplementary to," &c. United States v. Percheman, 7 Peters, 51.

A grant of land in Florida within the Indian boundary, by the governor, acting under the crown of Spain before the cession of Florida to the United States, was confirmed to the grantee, by the decree of the judge of the eastern district of Florida. The decree was affirmed on appeal. The United States v. Fernandez, 10 Peters, 303.

The subject of grants of land within the Indian boundary, which had not by any official act been declared a part of the royal domain, was fully and ably considered in the case of Johnson v. M'Intosh, 8 Wheat. 543; 5 Cond. Rep. 515. Every European government claimed and exercised the right of granting lands, while in the occupation of the Indians. *Ibid.*

The grants of lands in the possession of the Indians by the governor of Florida, under the crown of Spain, were good to pass the right of the crown. The grants severed them from the royal domain, so that they became private property; which was not ceded to the United States by the treaty with Spain. *Ibid.*

The Supreme Court cannot attach any condition to a grant of absolute property in the whole of the land. This grant was made by the governor of East Florida in absolute property, with a promise of a title in form. He was the exclusive judge of the conditions to be imposed on his grant, and of their performance. The United States v. Segui, 10 Peters, 306.

A grant of land by the governor of East Florida, in consideration of services to the Spanish government, made before the cession of the territory of Florida to the United States, confirmed. The United States v. Chaires, 10 Peters, 308.

Under a grant of the governor of Florida, prior to the cession of the same to the United States, of sixteen thousand acres of land, for the purpose of erecting a water-mill, a survey of five hundred and twenty acres was made; and at another place, a survey of fifteen thousand six hundred and thirty acres was also made. The Supreme Court held, that the first survey of five hundred and twenty acres was valid, and that the survey of fifteen thousand four hundred and eighty acres was invalid; but that the grantee has a title to fifteen thousand four hundred and eighty acres of vacant land; which he has a right to have surveyed, adjoining the survey of five hundred and twenty acres. The United States v. Seton, 10 Peters, 309.

Under a Spanish grant of five miles square, ten thousand acres were surveyed at one place, and six thousand acres were surveyed at another place, as the whole quantity of ungranted land could not be found together. The grant was confirmed. The United States v. Sibbald, 10 Peters, 313.

A grant of land was made by governor Coppinger, in June, 1828. The grant was made to the appellee, on his stating his intention to build a saw-mill. The decree grants to the petitioner "license to construct a water-saw mill, on the creek known by the name of Pottsburg, bounded by the lands of Strawberry Hill, and this tract not being sufficient, I grant him the equivalent quantity in Cedar Swamp about a mile east of M'Queen's mill, but with the precise condition that, as long as he does not erect said machinery, this grant will be considered null, and without value nor effect until that event takes

Augustine, in East Florida, under the rules, regulations, and conditions, hereinafter prescribed.

To appoint a secretary. SEC. 2. *And be it further enacted*, That it shall be the duty of said commissioners to appoint a suitable and well qualified secretary, who

place; and then in order that he may not receive any prejudice from the expensive expenditures which he is preparing, he will have the facility of using the pines and other trees comprehended in the square of five miles, or the equivalent thereof, which five miles are granted to him in the mentioned place, the avails of which he will enjoy without any defalcation whatever." By the Court—The judge of the superior court construed this concession to be a grant of land, and we concur with him. United States v. Richard, 8 Peters, 470.

A grant of land in East Florida was made by the governor, before the cession of Florida by Spain to the United States, on conditions which were not performed by the grantee within the time limited in the grant; or any exertions made by him to perform them. No sufficient cause for the non-performance of the conditions having been shown, the decree of the Supreme Court of East Florida, which confirmed the grant, was reversed. United States v. Mills' Heirs, 12 Peters, 215.

A grant for land in Florida by governor Coppinger, on condition that the grantee build a mill, within a period fixed in the grant, was declared to be void; the grantee not having performed the condition, or shown sufficient cause for its non-performance. United States v. Kingsley, 12 Peters, 476.

Under the Florida treaty, grants of land made before the 24th January, 1818, by his Catholic majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid if Florida had remained under the dominion of Spain; and the owners of conditional grants who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time as was declared by the Supreme Court in Arredondo's case, 6 Peters, 691, began to run in regard to individual rights, from the ratification of the treaty; and the treaty declares, if the conditions are not complied with, within the terms limited in the grant, that the grants shall be null and void. *Ibid.*

A grant by governor Coppinger of fourteen thousand five hundred acres of land, in East Florida, part of thirty thousand acres granted in consideration of services to the crown of Spain, and the officers of Spain, which had been surveyed by the appointed officer, confirmed. United States v. Levy, 12 Peters, 218.

The court refused to allow a survey of land to be made to make up for a deficiency in the survey of fourteen thousand five hundred acres, in consequence of part of the land included therein being covered with water, and being marshes. Even if a survey had not been made under the concession, it would not be competent for the superior court of East Florida, or for the Supreme Court, to designate a new location varying from the original concession, as any such variation would be equivalent to a new grant. *Ibid.*

A concession was made by the governor of Florida, before the cession of Florida to the United States, on condition that the grantee should erect a water saw-mill, "and with the precise condition, that until he executes the said machinery, the grant to be considered void, and without effect, until that event takes place." The mill was never erected, and no sufficient reason shown for its non-erection. The court held that the concession gave no title to the land. United States v. Drummond, 13 Peters, 84.

A grant of land in East Florida, by the Spanish governor, on the condition that a water saw-mill should be erected on the land, declared void; the condition of the grant not having been performed according to the terms of the grant. United States v. Burgevin, 13 Peters, 85.

A grant by governor Coppinger of fourteen thousand five hundred acres of land, in East Florida, part of the thirty thousand acres, granted in consideration of services to the crown of Spain and the officers of Spain, which had been surveyed by the appointed officer, confirmed. The United States v. Moses E. Levy, 13 Peters, 81.

The court refused to allow a survey of land to be made, to make up for a deficiency in the survey of fourteen thousand five hundred acres, in consequence of part of the land included therein being covered with water, and being marshes. Even if a survey had not been made under the concession, it would not be competent for the superior court of East Florida, or for the Supreme Court, to designate a new location varying from the original concession, as any such variation would be equivalent to a new grant. *Ibid.*

A grant of land by Estrada, the governor of East Florida, was made on the 1st of August, 1815, to Elizabeth Wiggins, on a petition, stating, that "owing to the diminution of trade, she will have to devote herself to the pursuits of the country." The grant was made for the quantity of land apportioned by the regulations of East Florida to the number of the family of the grantee. It was regularly surveyed by the surveyor general, according to the petition and grant. No settlement or improvement was ever made by the grantee, or by any one acting for her, on the property. In 1831, Elizabeth Wiggins presented a petition to the superior court of East Florida, praying for a confirmation of the grant; and in July, 1838, the court gave a decree in favour of the claimant. On an appeal to the Supreme Court of the United States, the decree of the superior court of East Florida was reversed. The court held, that by the regulations established on the 25th November, 1818, by governor Coppinger, the grant had become void, because of the non-improvement, and the neglect to settle the land granted. The United States v. Elizabeth Wiggins, 14 Peters, 334.

The existence of a foreign law, especially unwritten, is a fact to be proved like any other fact, by appropriate evidence. *Ibid.*

A copy of the decree by the governor of East Florida, granting land to a petitioner while Spain had possession of the territory, certified by the secretary of the government to have been faithfully made from the original in the secretary's office, is evidence in the courts of the United States. By the laws of Spain, prevailing in the province at that time, the secretary was the proper officer to give copies; and the law trusted him for this particular purpose, so far as he acted under its authority. The original was confined to the public office. *Ibid.*

shall record, in a well-bound book, all and every their acts and proceedings, the claims admitted, with those rejected, and the reason of their admission or rejection. He shall receive as a compensation for his services, one thousand two hundred and fifty dollars, to be paid quarterly, from

Duties of the secretary.

His compensation.

The eighth article of the Florida treaty stipulates, that "grants of land made by Spain, in Florida, after the 24th of January, 1818, shall be ratified and confirmed to the persons in possession of the land, to the same extent that the same grants would be valid, if the government of the territory had remained under the dominion of Spain." The government of the United States may take advantage of the non-performance of the conditions prescribed by the law relative to grants of land, if the treaty does not provide for the omission. *Ibid.*

In the cases of *Arredondo*, 6 Peters, 691, and *Percheman*, 7 Peters, 54, it was held, that the words in the Florida treaty, "shall be ratified and confirmed;" in reference to perfect titles, should be construed, "are ratified and confirmed." The object of the court in these cases was to exempt them from the operation of the eighth article, for that they were perfect titles by the laws of Spain, when the treaty was made; and that when the soil and sovereignty of Florida were ceded by the second article, private rights of property were, by implication, protected. By the law of nations, the rights to property are secured when territories are ceded; and to reconcile the eighth article of the treaty with the law of nations, the Spanish side of the article was referred to in aid of the American side. The court held, that perfect titles "stood confirmed" by the treaty; and must be so recognised by the United States, in our courts. *Ibid.*

Perfect titles to lands, made by Spain in the territory of Florida before the 24th January, 1818, were intrinsically valid, and exempt from the provision of the eighth article of the treaty; and they need no sanction from the legislative or judicial departments of the United States. *Ibid.*

The eighth article of the Florida treaty was intended to apply to claims to land whose validity depended on the performance of conditions, in consideration of which the concessions had been made; and which must have been performed before Spain was bound to perfect the titles. The United States were bound after the cession of the country, to the same extent that Spain had been bound before the ratification of the treaty, to perfect them by legislation and adjudication. *Ibid.*

A grant of land by the government of Florida, made before the cession of Florida to the United States by Spain, confirmed: every point involved in the case having been conclusively settled by the court in their former adjudications in similar cases. *The United States v. Waterman*, 14 Peters, 478.

The Supreme Court, in the case of *the United States v. Clark*, 8 Peters, 48, say "that if the validity of the grant depends upon its being in conformity with the royal order of Spain of 1790, it cannot be supported;" but immediately proceeds to show, "though the royal order is recited in the grant, that it was, in fact, founded on the meritorious consideration of the petitioner having constructed a machine of great value for sawing timber; the recital of the royal order of 1790, in this grant, is entirely immaterial, and does not affect the instrument." Held, the recital of the royal order, in this case, is quite immaterial. *Ibid.*

The case of *the United States v. Wiggins*, 14 Peters, 325, which decided that certain proof of the certificate of Aguilar, secretary of East Florida, was sufficient, cited; and the decision on that point affirmed. *Ibid.*

The Spanish governors of Florida had, by the laws of the Indies, power to make large grants to the subjects of the crown of Spain. The royal order of Spain of 1790, applied to grants to foreigners. These grants, before the cession of Florida to the United States, had been sanctioned for many years by the king of Spain, and the authorities representing him in Cuba, the Floridas, and Louisiana. This authority has been frequently affirmed by the Supreme Court. *Ibid.*

An application was made to the governor of Florida, in 1814, stating services performed by the petitioner for the government of Spain, and the intention of the petitioner to invest his means in the erection of a water saw-mill, and marking the place where the lands were situated which were asked for. The governor granted the land, referring to the merits and services of the applicant, and in consideration of the advantages which would result to the home and foreign trade by the use proposed to be made of the land. Held, that this was not a conditional grant; and that no evidence of the erection of a water saw-mill was required to be given to maintain its validity, or induce its confirmation. *Ibid.*

John Forbes by memorial to governor Kindelan, the governor of East Florida, set forth, that in 1799, there had been granted to Panton Leslie and company, for the purpose of pasturage, fifteen thousand acres of land, which they were obliged to abandon, as being of inferior quality. Forbes, as the successor to these grantees, asked to be permitted to abandon these fifteen thousand acres, and in lieu, to have granted to him ten thousand acres, as an equivalent, on Nassau river. The petition avers that the object was to establish a rice plantation. The petition was referred to the "Comptroller," who gave it as his opinion that the culture of rice should be promoted. Governor Kindelan permitted the abandonment of the fifteen thousand acres granted before, and in lieu thereof, granted to John Forbes, for the purpose of cultivating rice, ten thousand acres in the district, on banks of the river Nassau. Surveys of seven thousand acres of land, at the head of the river "Little St. Mary" or "St. Mary," and three thousand acres in "Cabbage Swamp," were made under this grant. No description of the locality of the land other than that in the certificate of the survey was given; nor do the surveys prove that the land surveyed lay in the district of the river Nassau. No evidence was given of the situation of "Cabbage Swamp." Held, that these surveys were not made of the land granted by governor Kindelan; and according to the decisions of this court on all occasions, the surveys, to give them validity, must be in conformity with the grants on which they are founded; and to make them the origin of title, they must be of the land described in the grant of the Spanish government. *The United States v. Forbes*, 15 Peters, 173.

The courts of justice can only adjudge what had been granted; and declare that the lands granted by the lawful authorities of Spain, are separated from the public domain: but where the land is expressly granted at one place, they have no power, by a decree, to grant an equivalent at another place,

Secretary must be acquainted with the Spanish language: and take an oath. He shall be acquainted with the Spanish language; and before entering on a discharge of the duties of his office, shall take and subscribe an oath, before some authority competent to administer it, that he will "well and truly and faithfully discharge the duties assigned him,

and thereby sanction an abandonment of the grant made by the Spanish authorities. The courts of the United States have no authority to divest the title of the United States in the public lands, and vest it in claimants; however just the claim may be to an equal value for land, the previous grant of which has failed. *Ibid.*

The decree of the superior court of East Florida, by which a grant for fifty thousand acres of land, made by governor White, the Spanish governor of East Florida, dated July 29, 1802, was rejected, affirmed. *Buyck v. The United States*, 15 Peters, 215.

The land had been granted by governor White, on a petition from the grantee stating his intention to occupy and improve the same with Bengal negroes, and native citizens of the United States; and stating that other grants of the same lands had been made, on condition of settlement, which conditions had not been performed, and such grants were therefore void. The petitioner promised to make the settlement within an early period after the grant. The governor granted the land, referring to the petition, also, with the condition that the grantee should not cede any part of the land, without the consent of the government. No endorsement or settlement was at any time made on the land by the grantee. Held, that the government of the United States were not bound under the Florida treaty, to confirm the grant. *Ibid.*

The description of the portion of the land asked for from the Spanish governor, "lands at Musquito to fifty thousand acres, south and north of said place," is not sufficiently definite: and from such a description no exception could be made from the public lands acquired by the United States under the Florida treaty. The regulations for granting lands in Florida by the Spanish authorities, required that grants should be made in a certain place: and there were no floating rights of survey out of the place designated in the grant; unless when the land granted could not be got there in its exact quantity, and an equivalent was provided for. *Ibid.*

The laws and ordinances of the government of Spain in relation to grants of land by the Spanish government, must be of universal application in the construction of grants. It is essential to the validity of such grants, that the land granted shall be described so as to be capable of being distinguished from other things of the same kind, or capable of being ascertained by extraneous testimony. *Ibid.*

The certificate of Don Tomas de Aguilar, secretary of the government and province, of the copy of the grant of the governor, stating the same "to be faithfully drawn from the original in the secretary's office under his charge," was legal evidence of the grant; and was properly admitted as such in support of the same. *The United States v. Delespine*, 15 Peters, 226.

A grant of ten thousand two hundred and forty acres of land by the Spanish governor of Florida, which recited among other things, that it was made under a royal order of the king of Spain, of 29th March, 1815, and which was not in conformity with the grant, but which was made in the exercise of other powers to grant lands which had been vested in the governor, was not made invalid by the recital of the royal order as the authority for the grant. The grant recited also, that it was made in consideration of military services, and was also in consideration of the surrender of another grant previously made, which surrender had been accepted by the governor. These were sufficient inducements to the grant. *Ibid.*

A claim for land in East Florida, granted by governor White to Daniel O'Hara, rejected by the superior court of East Florida, and the decree of that court affirmed. *O'Hara v. The United States*, 15 Peters, 275.

Governor White, on the petition of Daniel O'Hara, soliciting a grant of fifteen thousand acres, made a decree granting "the lands solicited," "at the place indicated," "in conformity with the number of workers which he may have to cultivate them, the corresponding number of acres may be surveyed to him," "and that he will take possession of the said lands in six months from the date of said grant." Held, that this a decree not granting fifteen thousand acres as asked for; but so much of the place where it is asked for as shall be surveyed in conformity with the number of workers the grantee may have to cultivate the land; the quantity could be determined by the regulation of the governor, made the month after the grant, and determining the quantity of land to be surveyed according to the number of persons in the family of the grantee, slaves included. That the grant was made before the date of the regulation, makes no difference. *Ibid.*

No settlement was made on the lands claimed under the grant. The building of a house on the land is but evidence of an intention to make a settlement, but was not a settlement; which required the removal of persons or workers to the land, and cultivating it. *Ibid.*

No claim for the land can be sustained under a grant, or confirmation of a prior grant, made by a decree of governor Coppinger in 1819, as the same was substantially a violation of the treaty with Spain, which confirms only grants made before the 24th January, 1818. The prior grant to O'Hara having become void by the non-performance of the conditions annexed to it, the decree of governor Coppinger, in 1819, was an attempt to make a new grant. *Ibid.*

If the grant were not void from the non-performance of the conditions of settlement annexed to it, the omission to have the land surveyed, and returned to the proper office, would make it void, unless the grantee had made a settlement; in which event, a survey would be presumed. The grant was made in the "district of Nassau," &c. This was an indefinite description of the land, as was held in *Buyck v. The United States*, decided at this term. *Ibid.*

A concession of lands, by the council at St. Augustine, was not authorized by the laws of Spain, relative to the granting and confirming land titles. *The United States v. Delespine*, 15 Peters, 319.

When a grant of land is indefinite as to its location, or so uncertain as to the place where the lands granted are intended to be surveyed, as to make it impossible to make a survey under the terms of the grant with certainty, the grant will not be confirmed. *Ibid.*

The act of Congress of 26th May, 1830, requires that all claims to lands which have been presented to

and translate all papers that may be required of him by the commissioners."

SEC. 3. And be it further enacted, That said commissioners, previously to entering on a discharge of the duties assigned them, shall,

the commissioners, or to the register and receiver of East Florida, and had not been "finally acted upon," should be adjudicated and settled, as prescribed by the act of 1822. There was no direct limitation as to the time in which a claim should be presented. *Ibid.*

When a petition for the confirmation of a claim to lands in Florida was presented, and was defective, and the court allowed an amended petition to be filed, it would be too strict to say the original petition was not the commencement of the proceeding, but that the amendment allowed by the superior court should be taken as the date when the claim was first preferred. *Ibid.*

When certain testimonials of title under a Spanish grant had been admitted, without exception, before the commissioners of the United States for the adjustment of claims to lands in Florida, and before the superior court in Middle Florida, without objection as to the mode and form of their proof; the Supreme Court, on an appeal, will not interfere with the question as to the sufficiency of the proof, or the authenticity of the act, relating to the title which had been admitted by the authorities in Florida, which was the tribunal to judge of the evidence. *Ibid.*

Breward petitioned the governor of East Florida, intending to establish a saw-mill to saw timber in St. John's river, for a grant of five miles square of land, or its equivalent; ten thousand acres to be in the neighbourhood of the place designated, and the remaining six thousand acres in Cedar Swamp, on the west side of St. John's river, and in Cabbage Hammock on the east side of the river. The governor granted the land asked for, on the condition that the mill should be built; and the condition was complied with. On the 27th of May, 1817, the surveyor general surveyed seven thousand acres under the grant, including Little Cedar Creek, and bounded on three sides by Big Cedar Creek, including the mill. This grant and survey were confirmed. *The United States v. Breward*, 16 Peters, 143.

Three thousand acres were laid off on the northern part of the river St. John's, and east of the royal road, leading from the river to St. Mary's, four or five miles from the first survey. This survey having been made at a place not within the grant, was void: but the court held that the grantee is to be allowed to survey under the grant, three thousand acres adjoining the survey of seven thousand acres, if so much vacant land can be found; and patents for the same shall issue for the land, if laid out in conformity with the decree of the court in this case. *Ibid.*

In 1819, two thousand acres were surveyed in Cedar Swamp, west of the river St. John's, at a place known by the name of Sugartown. This survey was confirmed. *Ibid.*

Four thousand acres, by survey, dated April, 1819, in Cabbage Hammock, were laid out by the surveyor general. This survey was confirmed. *Ibid.*

By the eighth article of the Florida treaty, all grants of lands made before the 24th of January, 1824, by his Catholic majesty, were confirmed; but all grants made since the time when the first proposal by his majesty for the cession of the country was made, are declared and agreed by the treaty to be void. The survey of five thousand acres having been made at a different place from the land granted, would if confirmed be a new appropriation of so much land, and void if it had been ordered by the governor of Florida; and of course it is void, having nothing to uphold it but the act of the surveyor general. *Ibid.*

In the superior court of East Florida, the counsel for the claimant offered to introduce testimony in regard to the survey of three thousand acres; and the counsel of the United States withdrew his objection to the testimony. The admission of the evidence did not prove the survey to have been made. Proof of the signature of the surveyor general to the return of survey made the survey *prima facie* evidence. *Ibid.*

The proof of the signature of Aguilar to the certificate of a copy of the grant by the governor of East Florida, authorizes its admission in evidence; but this does not establish the validity of the concession. To test the validity of the survey, it was necessary to give it in evidence; but the survey did not give a good title to the land. *Ibid.*

The United States have a right to disprove a survey made by the surveyor general, if the survey on the ground does not correspond to the land granted. *Ibid.*

On a petition from Pedro Miranda, stating services performed by him for Spain, governor White, the governor of East Florida, on the 26th November, 1810, made a grant to him of eight leagues square, or three hundred and sixty-eight thousand six hundred and forty acres of land on the waters of Hillsborough and Tampa Bay, in the eastern district of Florida. No survey was made under this grant while Florida remained a province of Spain, nor was any attempt made to occupy or survey the land, until after the cession of Florida to the United States. In 1821, it was alleged that a survey was made by a surveyor of East Florida. Held, that the grant was void; no land having been severed from the public domain previous to the 24th January, 1818, and because the calls of the grant are too indefinite for locality to be given to them. *The United States v. Miranda*, 16 Peters, 153.

The settled doctrine of the Supreme Court, in respect to Florida grants, is, that grants embracing a wide extent of country, or with a large area of natural or artificial boundaries, and which granted lands were not surveyed before the 24th of January, 1818, and which are without such designation as will give a place of beginning for a survey, are not lands withdrawn from the maps of vacant lands, ceded to the United States in Florida, and are void; as well on that account as for being so uncertain that locality cannot be given to them. *Ibid.*

On the 6th of April, 1816, a grant was made by the governor of Florida, of five miles square, or sixteen thousand acres of land, on condition that a mill should be built. The grant of six thousand acres was for land on Doctor's branch, where the mill was intended to be erected. The ten thousand acres were granted on the north-east side on the lagoon and of India river. The six thousand acres were surveyed in 1819, on Doctor's branch, and the mill was built. The survey under this grant was confirmed. *The United States v. Low et al.* 162.

According to the strict ideas of conforming a survey to a location, in the United States, the survey of ten thousand acres should be located adjoining the natural object called for, there being no other to

Commissioners to take an oath, &c.

before the judge of the territorial court at Pensacola, or some other authority in his absence, competent to administer it, take an oath faithfully to discharge the duties of their offices, and shall commence and hold their sessions on or before the first Monday of July next, at Pensacola, and on the first

aid and control the general call; and therefore, the head of the lagoon would necessarily have formed one boundary. But it is obvious, more latitude was allowed in the province of Florida, under the government of Spain. The surveyor general having returned that the survey was made according to the grant, and in the absence of other contradictory proof, the claim was confirmed. *Ibid.*

A grant of five miles square, or sixteen thousand acres of land, was made by the Spanish governor of East Florida, at the mouth of the river Santa Lucia. The petition for the grant stated various merits and losses of the petitioner, and asked the grant of five miles square, for the construction of a water saw-mill. The grant was given for the purpose mentioned, "and also paying attention to the services and other matters set forth in the petition." No survey under the grant was made by the surveyor general of Florida; but a survey was made by a private surveyor. The survey did not follow the calls of the grant, and no proof was given that it was made at the place mentioned in the grant. The survey and plat were not made according to the established rules relative to surveys to be made by the surveyor general under such grants. Nor was the plat made with the proportion of land on the river required by the regulations. The superior court of Florida held that the grant having been made in consideration of services rendered by the grantee, as well as for a water saw-mill, it was valid without the erection of the mill; but the survey was altogether void, and of no effect. The decree of the superior court of Florida, by which the grant and survey were confirmed, was remanded to the superior court of Florida; that court to order the sixteen thousand acres granted, to be surveyed according to the principles stated in the opinion of the Supreme Court. It has often been held that the authorities of Spain had the power to grant the public domain in accordance with their own ideas of the merits and considerations presented by the grantee; and that the powers of the Supreme Court of the United States extend only to the inquiry, whether, in fact, the grant had been made, and its legal effect when made, in cases where the law by implication introduced a condition, or it was peculiar in its provisions. No special ordinance of Spain introduces conditions into mill grants. *The United States v. Hanson*, 16 Peters, 196.

The certificate of a private surveyor, that he had permission from the governor of the territory to make a survey of the land granted, is no evidence of the fact. There is a marked and wide difference in the effect of the certificate of the surveyor general and of a private individual, who assumes to certify without authority. *Ibid.*

A grant by a Spanish governor of Florida meant not, as in the states of the United States, a perfect title; but an incipient right, which, when surveyed, required confirmation by the governor. The duty of confirmation by the acts of Congress is deputed to the courts of justice of the United States, in execution of the treaty with Spain. *Ibid.*

The same credence that was accorded to the return of the surveyor general by the Spanish government, is due to it by the courts of the United States. Plats and certificates, because of the official character of the surveyor general, have accorded to them the force and character of a deposition. *Ibid.*

A grant of fifteen thousand acres by the Spanish governor of East Florida, in consideration of important services performed in behalf of the government of Spain, to George Atkinson, confirmed by the Supreme Court. By the eighth article of the Florida treaty, no grants of land made after the 24th of January, 1818, were valid; nor could a survey be valid on lands other than those authorized by the grant. Still the power to survey in conformity to the concessions existed up to the change of flags. *The United States v. Clarke*, 16 Peters, 228.

Spain had the power to make grants founded on any consideration and subject to any restrictions within her dominions. If a grant was binding on that government, it is so on the United States, the successor of Spain. All the grants of land made by the lawful authorities of the king of Spain, before the 24th of January, 1818, were by the treaty ratified and confirmed to the owners of the lands. *Ibid.*

The grant to Atkinson was for the land he mentioned in his petition, or for any other lands that were vacant. Three surveys were made of the lands within the quantity granted, not at the place specially mentioned in the grant, but at other places. Held, that these surveys were valid, notwithstanding that they were made at different places. *Ibid.*

A claim for eight thousand acres of land in East Florida, founded on a petition of Domingo Acosta to governor Coppinger, made on the 20th of May, 1816. The petition stated that services had been performed by the claimant for the defence, support and advancement of the town of Fernandina, which had never been rewarded. Governor Coppinger gave a decree in favour of the petitioner, "it being the will of the sovereign that the merits of his subjects should be rewarded." The originals of the petition and decree were not produced, they having been lost; but a certificate signed by Don Thomas Aguilar, the secretary of the government, was exhibited, which stated that the copies of the petition and decree, which were given in evidence, had been faithfully drawn from the originals in his office. Four plats and certificates of survey, made by Clarke, surveyor of the province; two of which surveys were made before the 24th January, 1818, and one on the 14th February, 1818; another on the 20th January, 1820; were given in evidence without objection, in the court below, to show the location of the land claimed. The decree of the superior court of Florida, in favour of the claimant, was affirmed. *The United States v. Acosta*, 17 Peters, 16.

The official certificates of the secretary of the government of Florida, during the dominion of Spain over the territory, after evidence that no originals could be found in the proper office, was sufficient evidence of the copies of the petition and decree of the governor; no proof having been given to contradict or impair the force of the same. *Ibid.*

The governor of the territory of Florida, as the deputy of the king of Spain, was the sole judge of the merits on which the claim stated in the petition was founded; and he had undoubted power to reward the merits of the grantee. This has been so decided in many cases. *Ibid.*

Although in the governor's decree, there may be no description of any place where the land granted

Monday of January thereafter, at St. Augustine, for the ascertaining and determining of all claims to land within said territories; notice of which shall be given, by said commissioners, in some newspaper printed at each place, or if there be no newspaper, at the most public places in said cities, respectively, of the time at which their sessions will commence, requiring all persons to bring forward their claims, with evidence necessary to support them. The session at St. Augustine shall terminate on the thirtieth of June, one thousand eight hundred and twenty-three, when said commissioners shall forward to the Secretary of the Treasury, to be submitted to Congress, a detail of all they have done, and deliver over to the surveyor all the archives, documents, and papers, that may be in their possession.

SEC. 4. *And be it further enacted*, That every person, or the heirs or representatives of such persons, claiming title to lands under any patent, grant, concession, or order of survey, dated previous to the twenty-fourth day of January, one thousand eight hundred and eighteen, which were valid under the Spanish government, or by the law of nations, and which are not rejected by the treaty ceding the territory of East and West Florida to the United States, shall file, before the commissioners, his, her, or their, claim, setting forth, particularly, its situation and boundaries, if to be ascertained, with the derangement of title, where they are not the grantees, or original claimants; which shall be recorded by the secretary, and who, for his services, shall be entitled to demand from the claimants ten cents for each hundred words contained in said papers so recorded; he shall be also entitled to twenty-five cents for each subpoena issued: *Provided*, That if the amount so received shall exceed one thousand two hundred and fifty dollars, which is hereby declared the compensation for his services, the excess shall be reported to the commissioners, and be subject to their disposition; and said commissioners shall proceed to examine and determine on the validity of said patents, grants, concessions, and orders of survey, agreeably to the laws and ordinances heretofore existing of the governments making the grants, respectively, having due regard, in all Spanish claims, to the conditions and stipulations contained in the eighth article of a treaty concluded at Washington, between his Catholic majesty, and the United States, on the twenty-second of February, one thousand eight hundred and nineteen; but any claim not filed previous to the thirty-first day of May, one thousand eight hundred and twenty-three, shall be deemed and held to be void and of none effect: *Provided, nevertheless, and be it further enacted*, That in all claims submitted to the decision of the commissioners, where the same land, or any part thereof, is claimed by titles emanating both from the British and Spanish governments, the commissioners shall not decide the same, but shall report all such cases, with an abstract of the evidence, to the Secretary of the Treasury.

SEC. 5. *And be it further enacted*, That the commissioners shall have power to inquire into the justice and validity of the claims filed with them; and shall be, and are hereby, authorized to administer oaths, to compel the attendance of witnesses by subpoenas issued by the Secretary, and the adduction of such testimony as may be wanted; they shall have access to all papers and records of a public nature relative to any land titles within said provinces, and to make transcripts thereof. They shall examine into claims arising under patents, grants, concessions, and orders

should be located, still it is binding as far as it went. The surveyor general having been ordered to survey the land solicited, on places vacant, and without injury to third persons, the acts of this officer came in aid of the decree. *Ibid.*

The surveyor general having executed the governor's decree before the flags of the United States and Spain were exchanged, all the surveys became valid. That there were several surveys, is no objection to their validity. *Ibid.*

The plats of the surveys having been read in the court below, without objection, the proofs authorized the decree. *Ibid.*

Time of the sessions of commissioners, &c.

Notice to be given of the time of the sessions, &c.

Session at St. Augustine to terminate on June 30, 1823.

Commissioners to forward a detail of their proceedings, &c.

Persons, &c. claiming title to lands under any patent, &c. dated previously to Jan. 24, 1818, valid, &c. and not rejected by the treaty ceding the Floridas, to file their claims, &c.

Claims to be recorded.
Fees.

Proviso.

Claims not filed prior to May 31, 1823, void.

Proviso.

Powers of the commissioners.

of survey, where the survey has been actually made previous to the twenty-fourth January, one thousand eight hundred and eighteen, whether they are founded upon conditions, and how far those conditions have been complied with: and if derived from the British government, how far they have been considered valid under the Spanish government; and if satisfied that said claims be correct and valid, shall give confirmation to them: *Provided*, That such confirmation shall only operate as a release of any interest which the United States may have, and shall not be considered as affecting the rights of third persons: *And provided*, That they shall not have power to confirm any claim or part thereof where the amount claimed is undefined in quantity, or shall exceed one thousand acres; but in all such cases shall report the testimony, with their opinions, to the Secretary of the Treasury, to be laid before Congress for their determination.— Every witness attending under any process from the commissioners, shall be allowed one dollar a day, and one dollar for every twenty miles travel; to be paid by the party summoning him: *Provided, nevertheless*, That the commissioners shall not act on, or take into consideration, any British grant, patent, warrant, or order of survey, but those which are bona fide claimed and owned by citizens of the United States, and which have never been compensated for by the British government.

Sec. 6. *And be it further enacted*, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor, who shall possess the power and authority, and receive the same salary, as by law appertains to the surveyor south of the State of Tennessee; but his duties shall not commence until the commissioners shall have examined and decided upon the claims in West Florida, who shall thereupon furnish the surveyor with a list of those admitted, and he shall thereupon proceed to survey the country, taking care to have surveyed, and marked, and laid down, upon a general plan, to be kept in his office, the metes and bounds of the claims so admitted; causing the same to be surveyed at the expense of the claimants, the price whereof shall be the same as is paid for surveying the public lands; but no surveyor shall charge for any line except such as may be actually run, nor for any line not necessary to be run. He shall appoint a suitable number of deputies, and shall fix and determine their fees: *Provided*, That the whole cost of surveying shall not exceed four dollars a mile: *And provided also*, That none other than township lines shall be run where the land is deemed unfit for cultivation: Said surveyor shall reside at such place as the President of the United States may direct, and shall keep his office there, and may charge the following fees, to wit: for recording the plat and surveys of private claims made by any of his deputies, twenty-five cents for each mile contained in the boundary of such survey, and twenty-five cents for any copy certified from the books of his office.

APPROVED, May 8, 1822.

RESOLUTIONS.

Jan. 11, 1822.

- I. RESOLUTION *providing for the distribution of the secret journal and foreign correspondence of the old Congress, and of the journal of the convention which formed the constitution of the United States.*

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be requested to cause to be furnished to each member of the present Congress, and the delegates from territories, who may not be entitled to the same under the resolution of Congress, of the twenty-seventh of March, one thousand eight hundred and eighteen, the President and Vice President of the United States, the executive of each state

Proviso.

Proviso; as to claims to be confirmed.

Fees to witnesses, &c.

Commissioners not to act on, &c. any British grant, &c., but those claimed and owned by citizens of the United States, &c.

The President and Senate to appoint a surveyor, &c. Surveyor's duties.

Surveys at the expense of the claimants, &c.

Surveyor to appoint deputies.

None other than township lines to be run; and surveyor to reside, &c. as the President may direct.

Surveyor's fees for recording, &c.

The President requested to cause each member and delegate of the present Congress, not entitled under resolution of March

and territory, the attorney general, and judges of the courts of the United States, and the colleges and universities in the United States, each one copy; for the use of each of the departments, viz: State, Treasury, War, and Navy, two copies each; for the use of the Senate, five copies; for the use of the House of Representatives, ten copies; and for the library of Congress, ten copies, of the secret journals, and of the foreign correspondence, ordered to be printed by the several resolutions of Congress, passed on the twenty-seventh of March, one thousand eight hundred and eighteen, and of April twenty-first, one thousand eight hundred and twenty: Also to each member of the present Congress, who has not received the same, one copy of the journal of the convention which formed the Constitution of the United States. And that the remaining copies be preserved in the library, subject to the future disposition of Congress.

APPROVED, January 11, 1822.

27, 1818, the Vice President, executive of each state and territory, &c., to be furnished with copies of the secret journals, &c.

A copy of the journal of the convention, &c. to each member of the present Congress, &c.

II. RESOLUTION *providing for the distribution of the marshals' returns of the fourth census.*

Feb. 4, 1822.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of State be instructed to furnish to each member of the present Congress, and the delegates from territories, the President and Vice President of the United States, the executive of each state and territory, the attorney general, and judges of the courts of the United States, and the colleges and universities in the United States, each one copy; for the use of the departments, viz: State, Treasury, War, and Navy, five copies each; for the use of the Senate, five copies; and for the use of the House of Representatives, ten copies, of the marshals' returns of the fourth census; and that the residue of the copies of the said returns be deposited in the library of Congress.

APPROVED, February 4, 1822.

The Secretary of State to furnish each member and delegate of the present Congress, &c., with copies of the marshals' returns of the fourth census, &c.

III. RESOLUTION *directing the classification and printing of the accounts of the several manufacturing establishments and their manufactures, collected in obedience to the tenth section of the act to provide for taking the fourth census.*

March 30, 1822.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of State be directed to cause to be classified and reduced to such form as he may deem most conducive to the diffusion of information, the accounts of the several manufacturing establishments, and their manufactures, taken in pursuance of the tenth section of the act, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes," approved the fourteenth of March, one thousand eight hundred and twenty, and that he cause fifteen hundred copies of the digest, so to be made, to be printed, subject to the disposition of Congress.

APPROVED, March 30, 1822.

The Secretary of State to cause to be classified and reduced to form, &c., the accounts of manufacturing establishments and their manufactures, &c.

Act of March 14, 1820, ch. 24.

IV. RESOLUTION *providing for the security in the transmission of letters, &c., in the public mails.*

April 26, 1822.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Postmaster General to introduce, as soon as conveniently may be, on one or more of the most exposed routes, Richard Imlay's plan of copper cases, secured in iron chests, with inside locks and sliding bars in such a way as to test its efficacy in preventing robberies of the mail: *Provided,* The extra expense for each mail carriage shall not exceed one hundred and fifty dollars.

APPROVED, April 26, 1822.

The Postmaster General to introduce, &c. R. Imlay's plan of copper cases, &c., to test, &c.

Proviso.

ACTS OF THE SEVENTEENTH CONGRESS

OF THE

UNITED STATES,

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

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

STATUTE II.

Dec. 20, 1822. CHAP. I.—*An Act authorizing an additional naval force for the suppression of piracy.*

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

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

Appropriation for such expenditure.

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

APPROVED, December 20, 1822.

STATUTE II.

Jan. 14, 1823. CHAP. II.—*An Act concerning the apportionment of representatives in the state of Alabama. (a)*

[Obsolete.]

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

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

APPROVED, January 14, 1823.

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

CHAP. III.—*An Act making a partial appropriation for the support of government for the year one thousand eight hundred and twenty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of two hundred and sixty-five thousand one hundred and forty dollars be, and the same hereby is, appropriated, for the compensation granted by law to the Senate and House of Representatives: and that the same be paid out of any money in the treasury not otherwise appropriated.

APPROVED, January 14, 1823.

STATUTE II.

Jan. 14, 1823.

[Obsolete.]

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

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

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

APPROVED, January 23, 1823.

STATUTE II.

Jan. 23, 1823.

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

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

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

APPROVED, January 23, 1823.

STATUTE II.

Jan. 23, 1823.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, in the year of our Lord one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, in all respects, as fully as if the said sections had been enacted without limitation, in the said act, or in the act to which this is an addition, and which was passed on the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty.

APPROVED, January 30, 1823.

STATUTE II.

Jan. 30, 1823.

Act of May 15, 1820, ch. 113.

The 1st, 2d, 3d, and 4th sections of act of March 3, 1819, ch. 77, made perpetual.

(a) See notes to the act of March 3, 1819, ch. 77.

STATUTE II.

Jan. 30, 1823.

[Obsolete.]

An additional judge to be appointed for the territory of Michigan, within the counties of Michilimackinac, Brown and Crawford, having the power of the supreme court of the territory, and of the county courts.

Appeals allowed from the county courts to this court.

Proviso.

Proviso.

The supreme court of the territory authorized, upon the reversal of a judgment of this court, &c.

A writ of error shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent, or attorney, give security that the plaintiff in error shall prosecute his writ to effect.

No cause, except suits in equity, to be removed from this court, but by writ of error. Suits in equity may be removed by appeal.

This court to hold one term in each of the counties yearly.

The clerks of the county court to be clerks of the court in their

CHAP. VIII.—*An Act to provide for the appointment of an additional judge for the Michigan territory, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be appointed an additional judge for the Michigan territory, who shall possess and exercise, within the counties of Michilimackinac, Brown, and Crawford, in the territory aforesaid, as said counties are now defined and established, or may be hereafter defined and established, the jurisdiction and power heretofore possessed and exercised by the supreme court of the said territory, and by the county courts of said counties respectively, within the said counties, and to the exclusion of the original jurisdiction of the said supreme court: and the jurisdiction of the said court, hereby established, shall be concurrent with the said county courts; but in all suits, either at law or in equity, appeals shall be allowed from the decisions of the said county courts to the court established by this act, in the same manner as is provided for appeals from said courts to the supreme court of said territory; *Provided, always,* That the said supreme court shall have full power and authority to issue writs of error to the court established by this act, in all civil causes, and to hear and determine the same when sitting as a supreme court of the territory, according to the Constitution and laws of the United States, and to the statutes adopted and published by the governor and judges of said territory: *And provided, also,* That nothing in this act contained shall be construed to give cognizance to the court hereby established, of cases of admiralty and maritime jurisdiction, nor of cases wherein the United States shall be plaintiffs, except as hereinafter mentioned.

SEC. 2. *And it be further enacted,* That the said supreme court are hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favour of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain: in which case the cause shall be remanded to the county from whence it came, in order to a final determination.

SEC. 3. *And be it further enacted,* That, when any person, not being an executor or administrator, applies for a writ of error, such writ shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent or attorney, shall give security, to be approved of by a judge of the said supreme court, which shall be certified on the back of such writ, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money, and all costs, or otherwise abide the judgment of the court, if he fail to make his plea good; and no cause, except suits in equity, shall be removed to said supreme court from the court hereby established, but by writ of error, as herein before provided; and suits in equity may be removed by appeal, in the same manner as is provided for appeals from the county courts to the supreme court.

SEC. 4. *And be it further enacted,* That the court established by this act shall hold one term in each of the counties aforesaid, yearly, at the following times and places, to wit: at Prairie du Chien, on the second Monday in May; at Green Bay, on the second Monday in June; and at Mackinac, on the third Monday in July, in each and every year; and shall then and there proceed to hear and determine the pleas, process, and proceedings, depending therein, in the same manner as the said supreme or county courts might, or could have done, in case this act had not been passed; and the clerks of the said county courts shall be clerks of the court hereby established in their respective counties, and shall be entitled to such fees for their services as may be allowed them by law; and the officers appointed to execute the process of the said county courts within

the said counties, are hereby authorized and required to execute the process of the court hereby established.

SEC. 5. *And be it further enacted*, That the said court, hereby established, shall have and possess concurrent jurisdiction with the said supreme court, in and over all actions arising under the acts and laws in force, or which may be enacted, for the regulating trade and intercourse with the Indians, and over all crimes and offences which shall be committed within that part of the Indian country lying north and west of Lake Michigan, within the territory of Michigan.

SEC. 6. *And be it further enacted*, That the judge to be appointed by virtue of this act, shall reside in one of the counties aforesaid, and shall receive the same salary, and payable in the same manner, as is provided and established by law for the judges of the said supreme court of the Michigan territory.

SEC. 7. *And be it further enacted*, That this act shall take effect and be in force, from and after the twentieth day of March next.

APPROVED, January 30, 1823.

respective counties.

This court shall have concurrent jurisdiction with the supreme court, in all actions under laws regulating trade, &c. with the Indians.

The judge to be appointed in virtue of this act, to reside in one of the counties.

STATUTE II.

Jan. 31, 1823.

CHAP. IX.—*An Act concerning the disbursement of public money.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed [exceed] the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the especial direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided also*, That the President of the United States may direct such advances as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

SEC. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emolument, shall render his accounts quarterly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

SEC. 3. *And be it further enacted*, That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That no security given to, or ob-

Act of March 3, 1797, ch. 20. No advance of public money to be made.

Proviso.

Proviso.

Officers or agents of the United States to account quarterly yearly.

Proviso.

Officers or agents offending against the preceding sections, to be promptly reported to the President, and dismissed from the public service.

Proviso. No security

given to, or obligation entered into with, the government, to be impaired.

ligation entered into, with the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

APPROVED, January 31, 1823.

STATUTE II.

Feb. 21, 1823.

[Expired.]

Act of May 11, 1820, ch. 85, revived, and continued in force till 1st Nov. next.

Report of the commissioners to be laid before Congress.

Second section of the act of April 23, 1812, ch. 62, to embrace certain claims.

Patents to be issued to persons whose claims have been filed under the act of May 11, 1820, ch. 85.

CHAP. X.—*An Act to revive and continue in force certain acts for the adjustment of land claims in the territory of Michigan. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act, entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the territory of Michigan," approved May the eleventh, one thousand eight hundred and twenty, shall be, and the same is hereby, revived, and shall continue in force until the first day of November next; and it shall be the duty of the said commissioners, as soon thereafter as may be, to forward their report, as is required by the second section of said act, to the Secretary of the Treasury, to be by him laid before Congress at its next session.

SEC. 2. *And be it further enacted,* That the second section of the act, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," approved April twenty-third, one thousand eight hundred and twelve, shall be so construed as to embrace all persons who have claims confirmed below Milk river point, at the lower end of Lake St. Clair.

SEC. 3. *And be it further enacted,* That patents shall, and they are hereby directed to, be issued, in the mode pointed out by law in other cases, to persons whose claims to lands, town or village lots, have been regularly filed with the commissioners appointed by an act, entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the

(a) *Acts relating to public lands in Michigan :*

An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, ch. 35.

An act supplementary to the act, entitled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes," March 3, 1805, ch. 43.

An act to provide for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes," April 21, 1806, ch. 43.

An act relating to grants of land in the territory of Michigan, March 3, 1807, ch. 34.

An act supplemental to "An act regulating the grants of land in the territory of Michigan," April 23, 1808, ch. 67.

An act to authorize the granting of patents for land according to surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes, April 23, 1812, ch. 62.

An act allowing further time for entering donation rights to lands in the district of Detroit, March 3, 1817, ch. 99.

An act to revive the powers of the commissioners for ascertaining and deciding claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the territory of Michigan, May 11, 1820, ch. 85.

An act to annex certain lands within the territory of Michigan to the district of Detroit, May 11, 1820, ch. 94.

An act to revive and continue in force certain acts for the adjustment of land claims in the territory of Michigan, February 21, 1823, ch. 10.

An act to alter the lines between the land districts in the territory of Michigan, May 16, 1826, ch. 56.

An act to confirm claims to land in the territory of Michigan, April 17, 1828, ch. 28.

An act to establish a land office in the territory of Michigan, and for other purposes, February 19, 1831, ch. 27.

An act to change the boundary between the south-eastern and western land district in the territory of Michigan, June 25, 1834, ch. 72.

An act to divide Green Bay land district in Michigan, and for other purposes, June 15, 1836, ch. 93.

An act to establish a land office in the territory of Michigan, January 30, 1833, ch. 12.

An act supplementary to "An act to provide for the adjustment of the titles to land in the town of Detroit, and territory of Michigan, and for other purposes," passed April 21, 1806. August 29, 1842, ch. 260.

claims to land at Green Bay and Prairie du Chien, in the territory of Michigan," passed on the eleventh day of May, one thousand eight hundred and twenty, and whose claims are contained in the report transmitted to the Secretary of the Treasury, and which have been reported favourably on by said commissioners: and such persons are hereby confirmed in their claims, agreeably to any surveys heretofore made, or the lines and boundaries established by the claimants respectively: *Provided*, That such confirmations shall only amount to a relinquishment forever, on the part of the United States, and that not more than six hundred and forty acres shall be confirmed by virtue of any one claim; nor shall more be confirmed, in any case, than the quantity claimed; nor shall any claim extend in width more than forty, nor in depth more than eighty, arpents; nor to land heretofore, and now, reserved by the United States for public uses.

SEC. 4. *And be it further enacted*, That wherever it shall appear to the said commissioners that any claimant to land, or a town or village lot, at Green Bay or Prairie du Chien, cannot establish his, her, or their, claim to the same, in consequence of his, her, or their, removal therefrom by any officer of the United States' army, it shall be the duty of the said commissioners to issue a certificate to such person or persons, for any tract of land, or village lot, which may have been occupied by him, her, or them, after such removal, not exceeding, in quantity, that originally claimed; on which certificates patents shall issue, as in other cases; which claims shall be, in all other respects, subject to the restrictions and provisions of the third section of this act.

SEC. 5. *And be it further enacted*, That every person who, on the first day of July, one thousand eight hundred and twelve, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinaw, and who, on the said day, occupied and cultivated, or occupied a tract of land which had previously been cultivated by said occupant, lying within either of said settlements, and who has continued to submit to the authority of the United States, or to the legal representatives of every such person, shall be confirmed in the tract so occupied and cultivated; and the said commissioners, in the adjudicating on claims to land embraced by this act, are authorized to take into their consideration the evidence and facts collected and reported to them by the agents of the United States, pursuant to the provisions of the act of the eleventh of May, one thousand eight hundred and twenty, as well as such other and further evidence and testimony as may or shall be exhibited before them by the claimants, to support their claims: And the register of the land office at Detroit is authorized and required to receive and record all notices and claims to lands provided for by this act, and which shall be exhibited to him on or before the first day of October next: *Provided, however*, That no person shall be confirmed in a greater quantity than six hundred and forty acres; nor shall any tract, so confirmed, exceed eighty arpents from front to rear. And it shall be the duty of the surveyor general of the United States, under the direction of the Secretary of the Treasury, to cause the land confirmed by this act to be surveyed, at the expense of the claimants, respectively; plats of which shall be returned, as in other cases, and patents therefor shall be granted to the several claimants in the manner prescribed by law.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to allow to the former agent, and to each of the persons whose duty it is made to carry this law into effect, such sum, in addition to the sum allowed by the first recited act, as he may deem just and reasonable.

APPROVED, February 21, 1823.

Proviso.

Claimants have been removed by any officer of the United States' army, to have certificates for any tract of land, &c. which they have occupied after such removal.

Occupants of land in Green bay, Prairie du Chien, or Michilimackinaw, on July 1, 1812, who have continued to submit to the authority of the United States, or their legal representatives, to be confirmed in said land.

Act of May 11, 1820, ch. 85.

Proviso.

An additional sum to be allowed to persons carrying this law into effect.

STATUTE II.

Feb. 21, 1825.

CHAP. XI.—*An Act to divide the state of South Carolina into two judicial districts.* (a)

State of South Carolina divided into two districts, the eastern and western.

Eastern district court to be held in Charleston, as usual.

Western district court to have one annual session at Laurens Courthouse.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the state of South Carolina, be, and the same is hereby divided into two districts, in manner following, that is to say: the districts of Lancaster, Chester, York, Union, Spartanburg, Greenville, Pendleton, Abbeville, Edgefield, Newberry, Laurens, and Fairfield, shall compose one district, to be called the western district; and the residue of the state shall form one other district, to be called the eastern district. And the terms of the said district court, for the eastern district, shall be held in Charleston, at such times as they are now by law directed to be holden. And for the trial of all such criminal and civil causes, as are by law cognisable in the district courts of the United States which may hereafter arise or be prosecuted, or sued, within the said western district, there shall be one annual session of the said district court holden at Laurens Courthouse, to begin on the second Monday in May in each year; to be holden by the district judge of the United States of the state of South Carolina; and he is hereby authorized and directed to hold such other special sessions as may be necessary for the despatch of the causes in the said court, at such time or times as he may deem expedient, and may adjourn such special sessions to any other time previous to a stated session.

APPROVED, February 21, 1823.

STATUTE II.

Feb. 21, 1823.

CHAP. XIV.—*An Act to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia.*

[Expired.]

Charter of Mechanics' Bank of Alexandria extended to March 3, 1836.

March 2, 1821, ch. 18.

Stockholders disagreeing from renewal, may compel the bank to refund their stock.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act incorporating the Mechanics' Bank of Alexandria, in the District of Columbia, be, and the same is hereby, extended and limited to the third day of March, one thousand eight hundred and thirty-six, under and subject to all limitations, modifications, and conditions, as are enacted and applied to the other incorporated banks of the District of Columbia, by an act, entitled "An act to extend the charters of certain banks in the District of Columbia," which passed the second day of March, one thousand eight hundred and twenty-one.

SEC. 2. *And be it further enacted,* That, if any stockholder or stockholders, in said bank, who have not assented to the renewal of the said charter, shall, within two months from the passing of this act, file his or their declaration, in writing, in the said bank, declaring himself or themselves dissatisfied with said renewal, and his or their determination to withdraw his or their interest from the same; and if the said bank cannot agree with such stockholder or stockholders, on the amount of such interest, and shall not forthwith pay the same, then it shall be lawful for the circuit court of the District of Columbia, at Alexandria, on the petition in writing of such stockholder or stockholders, to appoint three commissioners, whose duty it shall be to ascertain the value of the interest of such stockholder or stockholders, in said bank, for which purpose such commissioners shall, under the direction of said court, have access to the books, papers, and accounts, of said bank, and on the report of said commissioners, and such other evidence as may be laid before the said court, the said court shall proceed to ascertain the value of the interest of such stockholder or stockholders in said bank and shall adjudge and decree the value so ascertained, to be paid to him or them by the said bank,

(a) An act for altering the times of holding the circuit and district court in the state of South Carolina, May 25, 1824, ch. 145.

and shall have power to enforce such judgment or decree, by execution, attachment, or other legal process.

SEC. 3. *And be it further enacted*, That this act be, and the same is hereby declared to be, a public act, and that so much and such parts of the act incorporating the said Mechanics' Bank of Alexandria, as may be repugnant to this act, be, and the same is hereby, repealed and annulled.

This act declared to be a public act.
Mechanics' Bank of Alexandria.

APPROVED, February 21, 1823.

STATUTE II.

CHAP. XV.—*An Act supplementary to the several acts for the adjustment of land claims in the state of Louisiana.*(a)

Feb. 28, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the claims for lands within the eastern district of the state of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the sixth of January, one thousand eight hundred and twenty-one, be, and the same are hereby, confirmed, against any claim on the part of the United States.

Claims for certain lands in Louisiana confirmed.

Act of March 2, 1805, ch. 26.

Act of March 3, 1807, ch. 36.

Act of May 11, 1820, ch. 87.

Claims of lands north of Red river, confirmed.

SEC. 2. *And be it further enacted*, That the claims for lands within the district north of Red river, in the state of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the first January, one thousand eight hundred and twenty-one, and included in the first, second, and third, classes of claims, be, and the same are hereby, confirmed against any claim on the part of the United States, with the exception of the claims numbered forty and fifty-one in the first class, and of the claims numbered forty-four, forty-five, forty-six, forty-seven, and forty-eight, in the said first class, (which are included in the claim of Baron Bastrop.)

APPROVED, February 28, 1823.

STATUTE II.

CHAP. XVI.—*An Act for laying out and making a road, from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut western reserve, in the state of Ohio, agreeable to the provisions of the treaty of Brownstown.*

Feb. 28, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the state of Ohio is hereby authorized to lay out, open, and construct, a road, from the lower rapids of the Miami of Lake Erie, to the western boundary of the Connecticut western reserve, in such manner as the legislature of said state may by law provide, with the approbation of the President of the United States; which road, when constructed, shall forever remain a public highway.

Road from the lower rapids of the Miami of Lake Erie, to Connecticut western reserve.

SEC. 2. *And be it further enacted*, That, in order to enable the state of Ohio to open and construct said road, a tract of land, one hundred and twenty feet wide, whereon to locate the same, together with a quantity of land equal to one mile on each side thereof, and adjoining thereto, to be bounded by sectional lines as run by the United States, to defray the expenses of making the said road, is hereby granted to said state; to commence at the Miami rapids, and terminate at the western boundary of the Connecticut western reserve, with full power and authority to sell and convey the same, and apply the proceeds to the making of said road: and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain

Land granted for the road, and expenses.

(a) See notes to act of May 11, 1820, ch. 87.

Proviso.
Proviso.

with the state of Ohio, as a fund for the purpose of keeping said road in repair: *Provided*, That said road shall be made within the term of four years from the passage of this act: *And provided*, None of the land hereby appropriated for making said road shall be sold for a less price than one dollar and twenty-five cents per acre.

Lands sold to be paid for at a minimum price.

SEC. 3. *And be it further enacted*, That, in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the Secretary of the Treasury is hereby directed to pay such officer as the state of Ohio may appoint for that purpose, the net proceeds of the sales of the quantity thus sold at a minimum price.

When the governor of Ohio shall produce a survey, and an act of the state shall accept the trust, the President shall stop the sale of land.

SEC. 4. *And be it further enacted*, That, whenever the governor of the state of Ohio shall have laid before the President of the United States a survey of the location of said road, accompanied by an act of said state accepting said trust, and providing for making said road within the time above limited, and the President shall have approved the same, then the right of the state to said tract of land shall be considered as complete for the purposes aforesaid; and the President shall direct, that, until the first day of June, one thousand eight hundred and twenty-three, none of the public lands shall be sold within three miles on each side of a line, to be drawn direct from the foot of the rapids of the Miami of Lake Erie to the lower rapids of Sandusky, thence to the western boundary of the Connecticut western reserve; *Provided*, That nothing in this act contained, shall ever hereafter be construed to imply any obligation upon the United States to grant additional lands, or further aids of any sort, towards the opening, making, or keeping in repair, of the road aforesaid.

Proviso.

APPROVED, February 28, 1823.

STATUTE II.

Feb. 28, 1823.

CHAP. XVII.—*An Act appropriating moneys for the purpose of repairing the public road from Cumberland to Wheeling. (a)*

Appropriation for Cumberland road.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of twenty-five thousand dollars, of moneys in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of repairing and improving the public road from Cumberland to Wheeling, under the direction of the President of the United States.

Superintendent to be appointed by the President.

SEC. 2. *And be it further enacted*, That, for the faithful and speedy accomplishment of this object, the President, with the advice of the Senate, shall appoint some fit person as superintendent of the said road, whose duty it shall be, with all practicable despatch, to contract for, and personally superintend, the execution of the repairs and improvements which shall be deemed necessary on the said road, as well as to receive, disburse, and faithfully account with the treasury, for the sums of money which may be received by him in virtue of this act.

Superintendent to give bond.

SEC. 3. *And be it further enacted*, That the superintendent, so to be appointed, shall, before he enters upon the discharge of the duties enjoined by this act, execute [a] bond to the United States, with security, to be approved of by the Secretary of the Treasury, conditioned for the faithful discharge of his duties, enjoined by this act; he shall hold his office during the pleasure of the President, and shall receive, as a compensation for his services, the sum of three dollars per day, during the time he may be employed in the discharge of the duties enjoined by this act.

APPROVED, February 28, 1823.

(a) See notes to the acts which have passed relating to the Cumberland road, vol. ii. 357.

CHAP. XVIII.—*An Act to revive, and continue in force, the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh May, eighteen hundred and twenty, and for other purposes. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh of May, one thousand eight hundred and twenty, in relation to back concessions, be, and the same is hereby, revived, and continued in full force and effect, for the term of eighteen months from and after the passing of this act.

SEC. 2. *And be it further enacted,* That so much of the lot of land on which is situated the navy store-house, in New Orleans, as may be necessary to continue the street now commenced, leading from Condi street to Market-hall, is hereby granted to, and vested in, the corporation of the city of New Orleans, for the purpose of continuing the said street.

APPROVED, February 28, 1823.

STATUTE II.
Feb. 28, 1823.
[Expired.]

Seventh section of Louisiana land claim law continued in force for eighteen months.
Act of May 11, 1820, ch. 87.

Part of navy store-house lot in New Orleans, granted to the corporation of that city.

STATUTE II.
Feb. 28, 1823.

CHAP. XIX.—*An Act to repeal so much of an act, passed the eighteenth April, one thousand eight hundred and six, as limits the price of certain lands in the state of Tennessee.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of an act passed the eighteenth day of April, one thousand eight hundred and six, entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," which provides "that the lowest price of all lands granted or sold within the ceded territory shall be the same as shall be established by Congress for the lands of the United States," be, and the same is hereby, repealed; and the legislature of the state of Tennessee are authorized and empowered to affix such price to the lands in said ceded territory, as, in their discretion, may be deemed right and proper; any thing in said act of the eighteenth of April, one thousand eight hundred and six, to the contrary notwithstanding.

APPROVED, February 28, 1823.

Part of a land law of Tennessee of April 18, 1806, ch. 18, repealed.

STATUTE II.

March 1, 1823.

CHAP. XXI.—*An Act supplementary to, and to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed second March, one thousand seven hundred and ninety-nine, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the third day of March next, no goods, wares, or merchandise, subject to ad valorem duty, and imported into the United States, shall be admitted to an entry unless the true invoice of the same be presented to the collector at the time of entry, or unless the same be admitted in the mode authorized and prescribed in the next ensuing section of this act: *Provided,* That this prohibition shall not extend to such goods, wares, or merchandise, as shall have been taken from a wreck.

SEC. 2. *And be it further enacted,* That when no invoice has been received of any goods, wares, or merchandise, imported and subject to ad valorem duty as aforesaid, the owner, importer, consignee, or agent,

Act of March 2, 1799, ch. 22.
From March 2, the true invoice of goods subject to ad valorem duty to be produced.
Proviso.

Owner, importer, &c., to make oath of not having re-

(a) See notes to the act of May 11, 1820, ch. 87.

ceived invoice, when the goods will be admitted to an entry upon appraisement.

Proviso.

shall make oath of the same, and the collector of the port shall be, and he is hereby, authorized, if in his judgment the circumstances under which such goods, wares, or merchandise, shall have been imported, or any other circumstances connected therewith, render it expedient, to admit the same to an entry, on an appraisement [appraisement] thereof, duly made, in the manner hereinafter prescribed: *Provided*, The owner, importer, consignee, or agent, of such goods, wares, or merchandise, shall, previous to such entry, give bond, with sufficient sureties, to the United States, to produce to such collector the invoice of the same within eight months from the time of entry, if the same were imported from any port or place on this side, and within eighteen months, if from any port or place beyond, the Cape of Good Hope or Cape Horn, or from the Cape of Good Hope, and to pay any amount of duty to which it may appear, by such invoice, the said goods, wares, or merchandise, were subject, over and above the amount of duties estimated on the said appraisement.

When goods have not been entered, they shall be deposited in the public warehouses until the invoice be produced.

Proviso.

SEC. 3. *And be it further enacted*, That when goods, wares, or merchandise, imported into the United States, shall not have been entered in pursuance of the provisions of this or any other act regulating imports and tonnage, the same shall be deposited, according to existing laws, in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice be produced: *Provided, however*, That, when the said goods, wares, or merchandise, shall have remained in the public warehouse nine months, if imported from any port or place on this side, and eighteen months, if from any port or place beyond, the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope, and no invoice shall be produced, then the said goods, wares, and merchandise, shall be appraised, and the duties estimated thereon in the manner hereinafter directed: *Provided also*, That nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable: *And provided further*, That the collector be, and he is hereby, authorized to direct an earlier sale of articles of a perishable nature, and of such as may be liable to waste; first giving such notice of the sale as circumstances may admit, by public advertisement, in one or more papers, at or nearest to the port where such sale may be had: which said articles the collector shall previously cause to be appraised, and the duties estimated thereon, in the manner hereinafter directed; and the proceeds of such sale shall be disposed of at the expiration of the said periods of nine and eighteen months, respectively, as the case may be, in the manner prescribed by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-nine: *Provided also*, That nothing in this section shall be construed to affect the cases contemplated by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second of March, one thousand seven hundred and ninety-nine.

Proviso.

Proviso.

Act of March 2, 1799, ch. 22, sec. 56.

Proviso.

Oath of consignee, importer, or agent, at time of entry.

SEC. 4. *And be it further enacted*, That, in all cases where goods, wares, or merchandise, shall have been imported into the United States, and shall be entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port at the time of entry, to the owner, importer, consignee, or agent, in lieu of the oath now prescribed by law in such case:

Consignee, Importer, or Agent's Oath.

I, _____, do solemnly and truly (swear or affirm) that the invoice and bill of lading now presented by me to the collector of _____, are the true and only invoice and bill of lading by me received, of all the

goods, wares, and merchandise, imported in the _____, whereof _____ is master, from _____, for account of any person whomsoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice, or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector, contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor, to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that, if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly (swear or affirm) that, to the best of my knowledge and belief, (insert the name and residence of the owner or owners, is or are) of the goods, wares, and merchandise, mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market value, (if otherwise obtained,) at the time or times, and place or places, when or where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

Owner's oath, in cases where goods, wares, or merchandise, have been actually purchased.

I _____, do solemnly and truly (swear or affirm) that the entry now delivered by me to the collector of _____, contains a just and true account of all the goods, wares, and merchandise, imported by, or consigned to, me, in the _____, whereof _____ is master, from _____; that the invoice which I now produce, contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly (swear or affirm) that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. (a)

Owner's oath,
where goods,
&c. have been
purchased.

(a) The defendant was indicted for perjury in falsely taking and swearing the "owner's oath in cases where goods have been actually purchased;" as prescribed by the fourth section of the supplementary collection law, of the first of March, 1823. The perjury was charged to have been committed in April, 1837, at the custom-house in New York, on the importation of certain woollen goods in the ship Sheridan. The indictment charged the defendant with having intentionally suppressed the true cost of the goods, with the intent to defraud the United States. 2. Charging the perjury in swearing to the truth of the invoice produced by him at the time of the entry of the goods, the invoice being false, &c. &c. It appeared by the evidence, that the goods mentioned in the entry had been bought by the defendant from John Wood, his father, of Saddleworth, England. No witness was produced by the United States to prove that the value or cost of the goods was greater than that for which they were entered at the custom-house in New York. The evidence of this, offered by the prosecution was, the invoice book of John Wood, and thirty-five original letters from the defendant to John Wood, between 1834 and 1837, showing a combination between John Wood and the defendant to defraud the United States, by invoicing and entering goods at less than their actual cost; that this combination comprehended the goods imported in the Sheridan; and that the goods received by that ship had been entered by the defendant,

Manufacturer's or owner's oath, where goods, &c. have not been purchased.

Manufacturer's or owner's oath, in cases where goods, wares, or merchandise, have not been actually purchased.

I , do solemnly and truly (swear or affirm) that the entry now delivered by me to the collector of , contains a just and true account of all the goods, wares, and merchandise, imported by, or consigned to, me, in the , whereof is master, from ; that the said goods, wares, and merchandise, were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce, contains a just and faithful valuation of the same, at their fair market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know, nor believe in the existence, of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly (swear or affirm) that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Mode of estimating ad valorem duty.

SEC. 5. *And be it further enacted,* That the ad valorem rates of duty upon goods, wares, and merchandise, shall be estimated in the manner following: to the actual cost, if the same shall have been actually purchased, or the actual value, if the same shall have been procured otherwise than by purchase, at the time and place, when and where purchased or otherwise procured, or to the appraised value, if appraised, except in cases where goods are subjected to the penalty provided for in the thirteenth section of this act, shall be added all charges, except insurance; and, also, twenty per centum on the said cost or value, and charges, if imported from the Capé of Good Hope, or any place beyond that, or from beyond Cape Horn, or ten per centum if from any other

he knowing that they had cost more than the prices at which he had entered them. This evidence was objected to on the part of the defendant, as not competent proof to convict the defendant of the crime of perjury; and that if an inference of guilt could be derived from such proof, it was an inference from circumstances, not sufficient, as the best legal testimony, to warrant a conviction. *Held,* That in order to a conviction, it was not necessary, on the part of the prosecution, to produce a living witness; if the jury should believe, from the within testimony, that the defendant made a false and corrupt oath when he entered the goods. *The United States v. Wood, 14 Peters, 430.*

The cases in which a living witness to a corpus delicti of the defendant, in a prosecution for perjury, may be dispensed with, are: all such where a person charged with a perjury by falsely swearing to a fact directly disproved by documentary or written testimony, springing from himself, with circumstances showing the corrupt intent: In cases where the perjury charged is contradicted by a public record, proved to have been well known to the defendant when he took the oath, the oath only proved to have been taken; in cases where the party is charged with taking an oath contrary to what he must necessarily have known to be the truth, and the false swearing can be proved by his own letters relating to the fact sworn to, or by other written testimony existing and being found in the possession of the defendant, and which has been treated by him as containing the evidence of the fact recited in it. *Ibid.*

The letters of the defendant, showing his knowledge of the actual cost of the goods which had been falsely entered by him, are the best evidence which can be given. This evidence is good under the general principle that a man's own acts, conduct, and declarations, when voluntary, are always admissible in evidence against him. If the letters of the defendant showed that the invoice book of the vendor of the goods, containing an invoice of the goods enumerated in the invoice to which the defendant had sworn the owner's oath, in which book the goods were priced higher in the sale of them to the defendant, recognised the book as containing the true invoice, his admission supersedes the necessity of other proof to establish the real price given by him for the goods; and the letters and invoice book in connection preponderate against the oath taken by the defendant, making a living witness to the corpus delicti charged in the indictment, unnecessary. *Ibid.* See also *Taylor et al. v. The United States, 3 Howard, 197.*

place or country; and the said rates of duty shall be estimated on such aggregate amount: *Provided*, That in all cases where any goods, wares, and merchandise, subject to ad valorem duty, shall have been imported from a country other than that in which the same were manufactured or produced, the appraisers shall value the same at the current value at the time of exportation, in the country where the same may have been originally manufactured or produced.

SEC. 6. *And be it further enacted*, That no goods, wares, or merchandise, imported into the United States, subject to ad valorem duty, and belonging to a person or persons residing in the United States, but who shall, at the time, be absent from the place where the same are intended to be entered, shall be admitted to an entry, unless the importer, consignee or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the said goods, wares, or merchandise, may be, the invoice of the same, duly verified, according to the circumstances of the case, by the oath of the said owner, or one of the owners, as prescribed in the fourth section of this act; which oath shall be administered by a collector of the United States, if there be any in the place where the said owner or owners may be; or if there be none, by some public officer duly authorized to administer oaths.

SEC. 7. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice be verified by the oath of the owner, or one of the owners, certifying that the said goods, wares, or merchandise, were actually purchased for his account, or for account of himself and partners in the said purchase: that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the said invoice, but such as have been actually allowed on the same; which said oath shall be administered by a consul or commercial agent of the United States: or by some public officer duly authorized to administer oaths in the country where the said goods, wares, or merchandise, shall have been purchased, and the same duly certified by the said consul, commercial agent, or public officer; in which latter case, such official certificate shall be authenticated by a consul or commercial agent of the United States; *Provided*, That if there be no consul or commercial agent of the United States in the country from which the said goods, wares, or merchandise, shall have been imported, the authentication hereby required, shall be executed by a consul of a nation at the time in amity with the United States, if there be any such residing there; and if there be no such consul in the country, the said authentication shall be made by two respectable merchants, if any such there be, residing in the port from which the said goods, wares or merchandise, shall have been imported.

SEC. 8. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, who may not have acquired the same in the ordinary mode of bargain and sale, or belonging to a person or persons who may be the manufacturer or manufacturers, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof be verified by the oath of the owner, or of one of the owners, certifying that the invoice contains a true and faithful account of the said goods, wares, or merchandise, at their fair market value at the time and place when and where the same were procured or manufactured, as the case may be, and of all charges thereon;

Proviso.

Goods, &c., subject to ad valorem duty, belonging to citizens absent at the time, to be admitted to entry, upon bond of the importer, &c., to produce the invoice.

Goods, &c. not to be admitted to entry unless the invoice be verified by owner's oath.

Oath to be administered by a consul or commercial agent.

Proviso.

No goods, &c., subject to ad valorem duty to be admitted to entry, unless the invoice be verified by the owner's oath.

and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed; which said oath shall have been duly administered and authenticated in the mode prescribed in the seventh section of this act.

Oath to be administered to executors, &c.

SEC. 9. *And be it further enacted*, That in all cases where goods, wares, or merchandise subject to ad valorem duty, imported as aforesaid, shall belong to the estates of deceased persons or of persons insolvent, who shall have assigned the same for the benefit of their creditors, the oaths required by the fourth, seventh, and eighth, sections of this act, may be administered to the executor, administrator, or assignees, of such persons in the manner prescribed by this act, according to the nature of the case.

Secretary of the Treasury may admit to entry goods, &c., of persons not residing in the United States.

SEC. 10. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing in the United States, shall not be accompanied with an invoice verified [verified] by oath, and authenticated as required by the seventh, eighth, and ninth, sections of this act, as the case may be; or where it shall not be practicable to make such oath, or there shall be an immaterial informality in the oath or authentication so required, or where the collector of the port at which the said goods, wares, or merchandise, shall be, shall have certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of said goods, wares, or merchandise, the Secretary of the Treasury shall be, and he is hereby, authorized, if he shall deem it expedient, to admit the same to an entry: *Provided*, That the consignee, importer, or agent shall, previous to such entry, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, sworn to and authenticated as may be required by this act, according to the nature of the case, and in the time and mode prescribed in the second section of this act, in cases where no invoice has been received: *And provided always*, That the Secretary of the Treasury shall in no case admit any goods, wares, or merchandise, to an entry, where there is just ground to suspect that a fraud on the revenue is intended.

Proviso.

Proviso.

Goods, &c., belonging partly to persons in the United States may be admitted to entry by their oath.

Proviso.

SEC. 11. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, shall belong in part to a person or persons residing in the United States and in part to a person or persons residing out of the United States, the oath of one of the owners residing in the United States, shall be sufficient to admit the same to an entry, according to the provisions of this act: *But it is expressly provided*, That, in all cases where the said goods, wares, or merchandise, shall have been manufactured in whole, or in part, by any one of the owners, residing out of the United States, the same shall not be so admitted to an entry, unless the invoice shall have been verified [verified] and authenticated by such manufacturer in the manner prescribed in the eighth section of this act.

Invoices not verified, and an entry refused, the goods, &c., to be deemed suspected.

SEC. 12. *And be it further enacted*, That, whenever the invoice of goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing in the United States, shall not have been duly verified and authenticated, and, upon application to the Secretary of the Treasury, according to the tenth section of this act, the said goods, wares, or merchandise, shall have been refused an entry, the same shall be deemed suspected, and shall be liable to the same additions and penalties as are provided in the case of fraudulent invoices in the following section.

Goods, &c., suspected, to be appraised, and fifty per cent. on the appraisal.

SEC. 13. *And be it further enacted*, That, whenever, in the opinion of the collector, there shall be just grounds to suspect that goods, wares, or merchandise, subject to ad valorem duty, and imported into his district have been invoiced below their true value, in the place or country from

whence they were imported, or originally procured, as the case may be, as prescribed in the fifth section of this act, such collector shall direct the same to be appraised in the manner prescribed by this act; and if the value at which the same shall be so appraised, shall exceed, by twenty-five per centum, the invoice prices thereof, then, in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices, according to law, there shall be added fifty per centum on the appraised value; on which aggregate [aggregate] amount the duties on such goods, wares, or merchandise, shall be estimated. *Provided*, That nothing herein contained shall be construed to impose the said penalty of fifty per centum for a variance between the bona fide invoice of goods, produced in the manner specified in the proviso in the fifth section of this act, and the current value of the said merchandise, in the country where the same may have been originally manufactured or produced.

SEC. 14. *And be it further enacted*, That, in all cases where the appraised value of any goods, wares, or merchandise, appraised under this or any other act concerning imports and tonnage, shall exceed, by less than twenty-five per centum, the invoice value thereof, such appraised value shall be considered the true value of such goods, wares, or merchandise, upon which the duty shall be charged, with the addition of such per centum as may be by law, required: *Provided*, That, in no case, shall the duty be estimated on an amount less than the invoice value, with the addition by law required.

SEC. 15. *And be it further enacted*, That the collectors of the revenue shall cause at least one package out of every invoice, and one package, at least, out of every twenty packages of each invoice of goods, wares, or merchandise, imported into their respective districts, which package or packages he shall have first designated on the invoice, to be opened and examined, and if the same be found not to correspond with the invoice thereof, or to be falsely charged in such invoice, a full inspection of all such goods, wares, or merchandise, as may be included in the same entry, shall be made; and in case such goods, wares, or merchandise, be subject to ad valorem duty, the same shall be appraised, and subjected to the penalties provided in the thirteenth section, in the case of suspected or fraudulent invoices; and in every case, whether such goods, wares, or merchandise be subject to ad valorem or specific duty, if any package be found to contain any article not described in the invoice, the whole package shall be forfeited: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized to remit the said forfeiture, if, in his opinion, the said article was put in by mistake, or without any intention to defraud the revenue.

SEC. 16. *And be it further enacted*, That, for the appraisement of goods, wares, or merchandise, required by this or any other act concerning imports and tonnage, the President of the United States, shall, by and with the advice and consent of the Senate, appoint, in each of the ports of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans, two persons, well qualified to perform that duty, who, before they enter thereon, shall severally make oath, diligently and faithfully to examine and inspect such goods, wares, or merchandise, as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof, according to the provisions of the fifth section of this act; and when any appraisement is to be made in any port other than those above named, the collector shall appoint two respectable resident merchants, who, after having taken the oath required by this section, shall be the appraisers; and the Secretary of the Treasury shall have authority to direct the appraisers for any collection district, to attend in any other collection district for the purpose of appraising any goods, wares, or merchandise, imported therein; and the President of the United States is hereby authorized, in the recess of the Senate, to

ed value to be added, over and above the ad valorem duty.

Proviso.

Appraised value of goods, &c., within 25 per cent. higher than the invoice value, to be considered as the true value.

Proviso.

Packages not corresponding with the invoice to be appraised; any package containing an article not in the invoice to be forfeited.

Proviso.

President to appoint appraisers in Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans. Appraiser's oath.

In other ports collector to appoint appraisers.

appoint the appraisers for the ports provided for in this section, which appointments shall continue in force until the end of the session of Congress thereafter.

Appraisers' salaries.

SEC. 17. *And be it further enacted,* That each of the appraisers, who may be appointed under the sixteenth section of this act, for the ports of New Orleans, Savannah, Charleston, Baltimore, Philadelphia, and Boston, shall each receive, as a compensation for his services, fifteen hundred dollars per annum; and the appraisers for the port of New York shall each receive two thousand dollars per annum; and the merchants who may be appointed to act as appraisers under this act, shall receive for their services, while actually employed on that duty, each, a compensation of five dollars per diem; and whenever the appraisers, appointed under the sixteenth section of this act, attend in any district, other than that in which they reside, for the purpose of appraising any goods, wares, or merchandise, they shall respectively receive at the rate of five dollars for every twenty-five miles in going to, or returning from, such district, in addition to the salary or pay provided for in this section.

Owner, &c., dissatisfied with the appraisal, may employ two merchants to examine the goods with the appraisers.

SEC. 18. *And be it further enacted,* That, in all cases where the owner, consignee, importer, or agent, shall be dissatisfied with the appraisal of any goods, wares, or merchandise, made by the appraisers appointed under the sixteenth section of this act, it shall be lawful for him to employ, at his own expense, two respectable resident merchants, who, after being duly qualified, according to the sixteenth section of this act, shall, together with the two appraisers appointed on the part of the United States, under this act, examine and inspect the goods, wares, or merchandise, in question; and, after such examination and inspection, they shall report the value thereof, if they agree therein, and, if not, the circumstances of their disagreement, to the collector; and in case such owner, consignee, importer, or agent, shall be dissatisfied with such report and second appraisal, it shall be lawful for him to refer the case to the Secretary of the Treasury, who shall be, and is hereby, authorized and empowered to decide thereon, or to require further testimony in the case, in such manner as he may deem proper, and to order the said goods, wares, or merchandise, to be entered accordingly.

Owners, &c. dissatisfied with second appraisal may refer the case to the Secretary of the Treasury.

Merchants chosen and declining to assist subject to a penalty.

SEC. 19. *And be it further enacted,* That any merchant, who shall be chosen by the collector, or by the party in interest, to make any appraisal required under this or any other act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisal, shall be subject to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor.

One half the excess of duty from 50 per cent. to be divided among the custom-house officers. 1799, ch. 22.

SEC. 20. *And be it further enacted,* That one half of the excess of duty accruing in consequence of the fifty per cent. added to the value of any goods, wares, or merchandise, under the thirteenth section of this act, shall be divided among the custom-house officers of the port in which such goods, wares, or merchandise, may be, in the manner prescribed by the act, entitled "An act to regulate the duties on imports and tonnage," passed on the second day of March, seventeen hundred and ninety-nine: *Provided,* That, in no case, shall the appraisers of the said goods, wares, or merchandise, be entitled to or receive any part of the said duty.

Proviso.

Goods, &c. taken from a wreck to be appraised.

SEC. 21. *And be it further enacted,* That, before any goods, wares, or merchandise, which may be taken from any wreck, shall be admitted to an entry, the same shall be appraised, in the manner prescribed in the sixteenth section of this act; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any goods, wares or merchandise, shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent, shall be dissatisfied with such appraisal, he shall be entitled to the privileges provided in the eighteenth section of this act.

SEC. 22. *And be it further enacted,* That, for every verification and certificate, made under this act, before a consul or commercial agent of the United States, such consul or commercial agent shall be entitled to demand and receive, from the person making the same, a fee of two dollars: *Provided,* Each shipper shall have the right to include all articles shipped by him in the same invoice.

Consular fee.

SEC. 23. *And be it further enacted,* That, when any goods, wares, or merchandise, shall be admitted to an entry upon invoice, the collector of the port in which the same are entered, shall certify the same under his official seal; and no other evidence of the value of such goods, wares, or merchandise, shall be admitted on the part of the owner or owners thereof, in any court of the United States, except in corroboration of such entry.

Proviso.

Certificate of entry.

No other evidence admissible.

To counterfeit certificate, felony.

Punishment.

SEC. 24. *And be it further enacted,* That any person or persons, who shall counterfeit any certificate or attestation made in pursuance of this act, or use such certificate or attestation, knowing the same to be counterfeit, shall, upon conviction thereof before any court of the United States having cognisance of the same, be adjudged guilty of felony, and be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term not exceeding three years.

Bond for duties binding on all the partners of a company.

Clerk cannot become surety for his employer.

Principal to be a resident, and sureties citizens of the United States.

Duty of 50 dollars or upwards paid in cash, entitled to a discount at the rate of four per cent. per ann.

Goods on which duties have been paid may be transported into two other districts with benefit of drawback.

Proviso.

Regulations.

SEC. 25. *And be it further enacted,* That any bond to the United States, entered into for the payment of duties by a merchant belonging to a firm, in the name of such firm, shall equally bind the partner or partners in trade, of the person or persons by whom such bond shall have been executed; but no clerk or hired person, in the constant employment of another, shall become principal or surety to any bond to which his employer is a party.

SEC. 26. *And be it further enacted,* That no bond for duties on goods, wares, or merchandise, imported into the United States, shall be accepted by any collector of the revenue, unless the principal be a resident of the United States, and the surety or sureties citizens thereof.

SEC. 27. *And be it further enacted,* That, in every case where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, imported as aforesaid, and the duty upon which shall amount to fifty dollars, or upwards, may, at the time of entry, desire to pay the duties thereon in cash, the collector of the port where the said goods, wares or merchandise, may be entered, shall be, and he is hereby, authorized and directed to receive the same, and to allow a discount on the amount of the duties, at the rate of four per centum per annum, for the legal term of credit which would have been allowed by law on such duties.

SEC. 28. *And be it further enacted,* That all goods, wares, or merchandise, imported into the United States, the duties on which shall have been paid, or secured to be paid, may be transported coastwise, from the district into which they were imported to two other districts, and exported from either of them with the benefit of drawback: *Provided,* That all regulations and formalities now in force, relating to the transportation of goods, wares, and merchandise, coastwise, from the district into which they were imported to another district, for benefit of drawback, and such other regulations as are prescribed under and by virtue of this act, for the further transportation of such goods, wares, or merchandise, to other districts, shall be complied with: *And provided, also,* That all the regulations and formalities now in force, respecting the exportation of goods, wares, and merchandise, for the benefit of drawback, shall be complied with, so far as may be consistent with other provisions of this act: and the Secretary of the Treasury shall be, and he is hereby, authorized to prescribe the form of the certificate to be used, and of the oaths to be taken, on the transportation of such goods, wares, or merchandise, from the second district, into which they may be so brought, to the third district.

Goods so transported to be accompanied by a copy from the invoice certified.

Inspection.

Act of March 2, 1799, ch. 22.

Twenty days allowed for taking the oaths, &c.

Proviso.

Goods re-shipped coastwise, allowed to enter for debenture.

Proviso.

Goods entitled to debenture may be permitted to be transferred into other packages.

Proviso.

The numbers upon packages, not necessary to be inserted in an entry.

SEC. 29. *And be it further enacted*, That all goods, wares, or merchandise, subject to ad valorem duty, and intended for exportation, with benefit of drawback, which shall be transported from one district to another, shall be accompanied by a copy from the invoice, of the cost thereof, certified by the collector of the district from which they may have been last re-shipped, which certified copy shall be produced to the collector of the district from which such goods, wares, or merchandise, are intended to be exported; and such goods, wares, or merchandise, as well as all such goods, wares, or merchandise, subject to ad valorem duty, as shall be exported from the district into which they may have been originally imported, shall be inspected by the appraisers at the time of exportation, in the manner provided by this act, on the importation of such goods, wares, or merchandise; and if the same are found not to correspond with the original invoice, the said goods, wares, or merchandise, shall be subjected to forfeiture, according to the provisions of the eighty-fourth section of an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 30. *And be it further enacted*, That in all cases of entry of goods, wares, or merchandise, for the benefit of drawback, the time of twenty days shall be allowed, from the date of the clearance of the ship or vessel, in which the same shall have been laden, for taking the oaths, completing the entry, and giving the exportation bonds for the same: *Provided*, That the exporter shall have, in every other particular, complied with the regulations and formalities heretofore, and by this act, established for entries of exportation of goods, wares, or merchandise, for the benefit of drawback.

SEC. 31. *And be it further enacted*, That in all cases where goods, wares, or merchandise, entitled to debenture, shall be re-shipped for transportation coastwise, before the necessary certificates are issued by the collector of the port where imported, the same shall be allowed to be entered for debenture, at the district to which they shall be so transported, without forfeiting the benefit of drawback: *Provided*, That the person or persons, so entering said goods, wares, or merchandise, shall produce, from the collector of the port from whence the same shall have been last shipped, a certificate that the coastwise certificates were not issued at the time of the sailing of the vessel on board which the said goods, wares, or merchandise, shall have been so shipped, and shall deliver the coastwise certificates, required in such cases, to the collector of the port where the same shall have been so entered, within two months from the date of entry, and before the said goods, wares, or merchandise, shall be entered for exportation.

SEC. 32. *And be it further enacted*, That in all cases where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, entitled to debenture, may wish to transfer the same into packages, other than those in which the said goods, wares, or merchandise, were originally imported, the collector of the port where the same may be, shall permit the said transfer to be made, if necessary for the safety or preservation thereof: *Provided*, That due notice of the same, in writing, setting forth sufficient cause for the said transfer, be given to the said collector, who shall appoint an inspector of the revenue, to ascertain if the said allegation be true, and, if found correct, to superintend said transfer, and to cause the marks and numbers upon the original packages to be inscribed upon the packages into which the said goods, wares, or merchandise, shall be transferred.

SEC. 33. *And be it further enacted*, That it shall not be necessary to insert the numbers upon packages, in any entry of goods, wares, or merchandise, subject to specific duty on importation or exportation; or to insert any such numbers in any coastwise or other certificate: *But it is ex-*

pressly provided, That in all cases where a separate [separate] certificate may be required for each package, the numbers shall be inserted therein.

SEC. 34. *And be it further enacted*, That in all cases where, under existing laws, spirituous liquors, entitled to debenture, shall have been shipped coastwise, for the purpose of being laden immediately on board some vessel in another district, for exportation, the same may be so laden on board of such vessel, without having been first deposited in the public warehouse: *Provided*, That all other regulations required by law shall have been complied with, and that such transportation of said spirituous liquors from the one vessel to the other, be made by the collector's order, and under the superintendance [superintendence] of an inspector of the revenue, and that a careful examination be made by him of the identity of the same, and of the quantity, quality, and packages, thereof.

SEC. 35. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven.

SEC. 36. *And be it further enacted*, That all fines, penalties, and forfeitures, incurred in virtue of the act, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the twentieth April, one thousand eight hundred and eighteen," (a) may be sued for, prosecuted, and recovered, in the same manner as if the said act did not expire on the third day of March next.

SEC. 37. *And be it further enacted*, That, when goods, wares, or merchandise, imported, and subject to duty as aforesaid, shall be re-shipped, and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, or an extract therefrom, including all the articles, with the charges thereon, which are re-shipped and transported coastwise as aforesaid, verified by the additional oath required by the fourth section of this act, and certified under the official seal of the collector, with whom the entry, on the importation of such goods, wares, and merchandise, was made, shall be produced at the port to which the same shall be transported; and the same inspection of such goods, wares, or merchandise, shall be made, as if they had been brought direct from a foreign port or place; *Provided*, That no appraisement of the said goods, wares, or merchandise, shall be made at the said port, so as to change the amount of duties which may have been charged thereon, at the port of their original importation, if the same should have been there entered, according to the provisions of this act; except when transported from a port where there are no appraisers appointed by the government; and if the invoice, verified [verified] as aforesaid, shall not be so produced, such goods, wares, or merchandise, shall be deposited, and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required, shall be produced: and goods, wares, or merchandise, imported, and subject to duty as aforesaid, may be transported coastwise, to one or more districts within the United States.

APPROVED, March 1, 1823.

Proviso.

Spirits entitled to debenture, may be laden without being warehoused when shipped coastwise.

Proviso.

Penalties and forfeitures.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

Fines, &c., in virtue of the act of April 20, 1818, to be recovered as before.

Act of April 20, 1818, ch. 79.

Goods transported coastwise in the same packages as imported, to have a certified invoice, and shall be inspected at the port to which they are transported.

Proviso.

(a) Act of April 20, 1818, ch. 79.

STATUTE II.

March 1, 1823.

CHAP. XXII.—*An Act to regulate the commercial intercourse between the United States and certain British colonial ports. (a)*

First, second, and third sections of the act concerning navigation, act of April 18, 1818, ch. 65, and the act of May 15, 1820, ch. 122, suspended as to certain British colonial ports.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the third day of March next, the first, second, and third, sections of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen, and the "Act supplementary to an act concerning navigation," approved on the fifteenth of May, one thousand eight hundred and twenty, shall be, and the same are hereby, suspended, for and during the continuance of this act, so far as any of the restrictions or prohibitions therein contained, limit or interdict the intercourse of navigation or commerce between the ports of the United States and the British colonial ports hereinafter mentioned, to wit:

Kingston, in Jamaica. Savannah Le Mar, do. Montego Bay, do. Santa Lucia, do. Antonia, do. Saint Ann, do. Falmouth, do. Maria, do. Morant Bay and Annotto Bay, do. Saint George, in Grenada. Roseau, in Dominica. Saint John's, in Antigua. San Josef, in Trinidad. Scarborough, in Tobago. Road Harbour, in Tortola. Nassau, in New Providence. Pitt's town, in Crooked Island. Kingston, in Saint Vincent. Port Saint George and Port Hamilton, in Bermuda. Any port where there is a custom-house, in Bahamas. Bridgetown, in Barbadoes. Saint John's and Saint Andrew's, in New Brunswick. Halifax, in Nova Scotia. Quebec, in Canada. Saint John's, in Newfoundland. Georgetown, in Demarara. New Amsterdam, in Berbice. Castries, in Saint Lucia. Basseterre, in Saint Kitts. Charlestown, in Nevis. Plymouth, in Montserrat.

The ports of the United States to be open to British vessels directly from such ports.

SEC. 2. *And be it further enacted,* That, from and after the said third day of March next, the ports of the United States shall be open to any British vessel coming directly from any of the British colonial ports above enumerated: and it shall be lawful to import in the said vessels, being navigated by a master and three-fourths, at least, of the mariners, British subjects, any articles of the growth, produce, or manufacture, of any of the said British colonies, the importation of the like articles to which, from elsewhere, is not, nor shall not be, prohibited by law, and which may be exported from any of the said enumerated British ports to the United States, on equal terms, in vessels belonging to the said states.

The President may, by proclamation, declare no higher duty to be levied upon British vessels and goods from these ports than upon United States vessels, on certain conditions.

SEC. 3. *And be it further enacted,* That, on proof being given to the President of the United States, satisfactory to him, that, upon the vessels of the United States admitted into the above enumerated British colonial ports, and upon any goods, wares, or merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere, it shall and may be lawful for the President of the United States to issue his proclamation, declaring that no other or higher duty of impost or tonnage and no other or higher duty or charge of any kind, upon any goods, wares or merchandise, imported from the above enumerated British colonial ports, in British vessels, shall be levied or exacted in any of the ports of the United States, (excepting the ports in the territory of Florida,) than upon the vessels of the United States, and upon the like goods, wares, or merchandise, imported

(a) An open boat is not a ship or vessel within the purview of the statutes of 1820, ch. 122, and 1823, ch. 22, which prohibit commercial intercourse with the British colonies. United States v. An open boat and lading, 5 Mason's C. C. R. 120.

It seems that notwithstanding those statutes, open British boats may visit the United States, if not destined for trade. *Ibid.*

British ships or vessels, excluded from the ports of the United States by those statutes, are such as are owned by British subjects having a British domicile, and sailing under the British flag, and not British ships or vessels owned by British subjects domiciled in the United States. *Ibid.*

into the ports of the United States in the same: *Provided always*, That until such proof shall be given, British vessels coming from the said British colonial ports, and the goods, wares, and merchandise, imported in the same into the United States, shall continue to pay the foreign tonnage duty, and the additional duties upon goods, wares, and merchandise, imported in foreign vessels prescribed by the "Act to regulate the duties on imports and tonnage," approved the twenty-seventh of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That no articles whatsoever, specie and bullion excepted, other than articles of the growth, produce, or manufacture, of the British colonies to which the said enumerated ports belong, shall be imported into the United States, in British vessels, coming from any of the said enumerated ports; and that no articles whatsoever, being of the growth, produce or manufacture, of the British colonies, to which the said enumerated ports belong, shall be imported into the United States, in any British vessel, other than a vessel coming directly from one of the said enumerated ports, on pain of forfeiting all such articles, together with the ship or vessel in which the same shall have been imported, and her guns, tackle, apparel, and furniture.

SEC. 5. *And be it further enacted*, That it shall be lawful to export from the United States, directly to any of the above enumerated British colonial ports, in any vessel of the United States, or in any British vessel, navigated as by the second section of this act is prescribed, and having come directly from any of the above enumerated British colonial ports, any article of the growth, produce, or manufacture, of the United States, or any other article legally imported therein, the exportation of which, elsewhere, shall not be prohibited by law; *Provided*, That when exported in any such British vessel, before the shipment of any such articles, security, by bond, shall be given to the United States, in a penalty equal to half the value of the said articles: such bond to be taken of the owner, consignee, or agent, by the collector of the port at which the said British vessel shall have entered, for the due landing of the said articles, at the port or ports, being of the British colonial ports herein above enumerated, for which the said vessel shall clear out, and for producing a certificate thereof, within twelve months from the date of said bond, under the hand and seal of the consul, or commercial agent of the United States, resident at the port where the said articles shall have been landed; or if there shall be no consul or commercial agent of the United States residing there, such certificate to be under the hand and seal of the chief officer of the customs at such port, or under the hand and seal of two known and reputable merchants residing at such port; but such bond may be discharged, by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas. And it shall not be lawful to export, from the United States, any article whatsoever, to any of the above enumerated British colonial ports, in any British vessel, other than such as shall have come directly from one of the said ports to the United States; nor shall it be lawful to export from the United States any article whatsoever, in any British vessel, having come from any of the said enumerated ports, to any other port or place, whatsoever, than directly to one of the said ports. And in case any such articles shall be shipped or waterborne, for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted, in like manner as for any other violation of the revenue laws of the United States.

SEC. 6. *And be it further enacted*, That this act, unless repealed, altered, or amended, by Congress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of vessels of the United States, conformably to the provisions of the British

Proviso.

April 27, 1816,
ch. 107.

Articles of the growth, produce, or manufacture of the British colonies only to be so imported in British vessels.

And said vessels to come directly from said ports.

Goods of the United States may be exported to any of said ports in British vessels.

Proviso.

This act to continue in force so long as the said ports are open to ves-

sels of the
United States.

act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George the Fourth. But if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in council, or by act of Parliament, then, from the day of the date of such order in council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favour; and each and every provision of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen; and of the act supplementary thereto, approved on the fifteenth of May, one thousand eight hundred and twenty; shall revive and be in full force.

Act of April
18, 1818, ch. 70.
Act of May
16, 1820, ch. 122.

Any other
British colonial
port being open
to vessels of the
United States,
shall have the
benefit of this
act.

Bond to be
prescribed by
the Secretary of
the Treasury.
Mitigation
and remission
of forfeitures,
&c.

SEC. 7. *And be it further enacted*, That if any British colonial port in the American hemisphere, other than those hereinabove enumerated, should, by virtue of a British order in Council, be opened to vessels of the United States, conformably to the provisions of the said act of Parliament of the twenty-fourth of June last, each and every provision of this act shall extend to the same, from the time when it shall be so opened to the vessels of the United States.

SEC. 8. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed by the Secretary of the Treasury; and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner and according to the provisions of the revenue laws of the United States.

APPROVED, March 1, 1823.

STATUTE II.

March 1, 1823.

CHAP. XXIII.—*An Act to alter the time of holding the district court of the United States for the district of Kentucky.* (a)

Terms of the
district court of
Kentucky altered.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the next term of the district court of the United States for the district of Kentucky, the said court shall hold its terms on the second Monday in April and October in each year.

APPROVED, March 1, 1823.

(a) The acts establishing the sessions of the district courts of Kentucky are:

- An act to establish the judicial courts of the United States, September 24, 1789, ch. 20, sec. 2.
- An act making certain alterations in the act for establishing the judicial courts, and altering the time and place of holding certain courts, June 9, 1794, ch. 64, sec. 8.
- An act concerning the circuit courts of the United States, March 3, 1797, ch. 27, sec. 6.
- An act for altering the times for holding the circuit court in the district of North Carolina, and for abolishing the July term of the Kentucky district court, Feb. 28, 1806, ch. 13, sec. 2.
- An act establishing the circuit courts, and abridging the jurisdiction of the district courts of Kentucky, Tennessee, and Ohio, Feb. 24, 1807, ch. 16, sec. 4.
- An act supplementary to the act entitled "An act to amend the act entitled 'An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" Feb. 4, 1809, ch. 14.
- An act to alter the time of holding the district court of the United States for the district of Kentucky, March 1, 1823, ch. 22.
- An act to change the terms of the district courts of the United States for the Kentucky district, March 24, 1824, ch. 30.

STATUTE II.

March 1, 1823.

CHAP. XXIV.—*An Act to extend the jurisdiction of justices of the peace, in the recovery of debts, 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, from and after the first day of June next, in all cases where the real debt and damages do not exceed the sum: of fifty dollars, exclusive of costs, it shall and may be lawful for any one justice of the peace, of each respective county within the District of Columbia wherein the debtor doth reside, to try, hear, and determine, the matter in controversy, between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidences, of both parties, to give judgment, according to the laws existing in the said District of Columbia, and the equity and right of the matter, in the same manner, and under the same rules and regulations, to all intents and purposes, as such justices of the peace are now authorized and empowered to do when the debt and damages do not exceed the sum of twenty dollars, exclusive of costs: *Provided, nevertheless,* That all justices of the peace of said county shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon, from the date thereof, until the same shall be paid, or satisfied: *And provided further,* That no female, in any case whatever, and no male above the age of seventy years, shall be liable to be arrested or imprisoned for any debt authorized to be sued for and recovered by this act.*

SEC. 2. *And be it further enacted,* That, in all cases where judgments shall be rendered by a justice of the peace, it shall be lawful for the defendant to supersede the said judgment, at any time within sixty days from the rendition of the same, which superseades shall stay execution for six months thereafter, and shall be taken by the justice who rendered the judgment, and no other; *Provided,* Such justice is living in the county in which said judgment was rendered, and acting in his judicial capacity; but if such justice shall not be so acting, then, and in that case, before any other justice of the peace for the aforesaid county who may be legally acting in that capacity.

SEC. 3. *And be it further enacted,* That the justices of the peace within the District of Columbia, be, and they are hereby, directed, and it is hereby made their duty, to keep a docket, and therein to record, and make regular entries of, their proceedings, in all cases in which they shall act in virtue of their office, and they are hereby directed to furnish the plaintiffs and defendants, respectively, with a copy of any judgment by them rendered, when required on which copy, any other justice of the peace of the county is hereby authorized to issue execution or fieri facias, in the same manner as executions are now issued by the clerk of the circuit court of the District of Columbia, which shall be returned within twenty days after being issued, to the justice who gave the judgment; and no judgment rendered before a justice shall have the effect to create any lien upon real estate.

SEC. 4. *And be it further enacted,* That if any justice of the peace shall omit to keep a docket, as aforesaid, or be guilty of any other negligence or omission, by which the plaintiff (having obtained a judgment before such justice,) shall lose his or her debt, that then, and in that case, the said justice shall pay and satisfy to the said plaintiff the debt, interest, and costs, lost as aforesaid, to be recovered by plaint, before any other justice of the peace, who shall, on proof of the fact, render judgment against such defaulting justice, together with any interest that may have accrued on the debt.

SEC. 5. *And be it further enacted,* That each and every justice of the peace shall, and it is hereby made his duty, upon his resignation or re-

From and after June 1st, 1823, justices of the peace may try and determine causes when the debt and damages do not exceed 50 dollars, exclusive of costs.

Proviso.

Proviso.

Defendant may supersede within sixty days.

Proviso.

Justices of the peace to keep a docket.

Justices of the peace omitting to keep a docket, liable for the proceeds of any debt, &c., lost in consequence.

Justices of the peace, upon

resignation or removal, or their executors, &c., upon demise, to deliver their dockets to the clerk of the circuit court under penalty of 500 dollars.

removal from office, and it is also made the duty of his executors or administrators, upon the death of any such justice of the peace, forthwith to deliver to the clerk of the circuit court of the District of Columbia, within the county in which said justice of the peace officiated, such docket or dockets, as said justice of the peace, so resigning, removing, or dying, shall or may have had; and it shall be the duty of the clerk in whose possession said docket or dockets may be placed, to furnish copies of all such entries made in said docket or dockets, to persons applying therefor, and who may be entitled thereto, in the same manner, and to have the same effect, as if said copies had been furnished by the said justice, so resigning, removing, or dying, as the case may be: And in case of the death, resignation, removal from office, or other incapacity, of any person who may have acted as a justice of the peace as aforesaid, and neglect (on the part of himself, or executors, or administrators, as the case may be) to transfer such docket or dockets, he or they shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties due to the United States.

Judges of circuit court not to hold plea of any debt which shall not exceed 50 dollars.

Proviso.

SEC. 6. *And be it further enacted*, That the judges of the circuit court of the District of Columbia shall not hold original plea in the said court of any debt or damage in cases within the jurisdiction given to justices of the peace by this act, which shall not exceed fifty dollars, exclusive of costs, any law to the contrary notwithstanding: *Provided, nevertheless*, That nothing in this act contained shall extend, or be construed to extend, to divest the circuit court of the District of Columbia from the power of holding plea of any debt or damages, where the same doth not exceed the sum of fifty dollars, or may be above the sum of twenty dollars, where the writ or original process, issued for the recovery of the same, shall have been impetrated at any time before the first day of June next.

In all cases over five dollars parties aggrieved may appeal to the circuit court.

SEC. 7. *And be it further enacted*, That in all cases where the debt or demand doth exceed the sum of five dollars, and either plaintiff or defendant shall think him or herself aggrieved [aggrieved] by the judgment of any justice of the peace, he or she shall be at liberty to appeal to the next circuit court to be held in the county in which the said judgment shall have been rendered, before the judges thereof; who are hereby, upon the petition of the appellant, in a summary way, empowered and directed to hear the allegations and proofs of both parties, and determine upon the same according to law and the equity and right of the matter, at the same term in which the said petition shall be exhibited, without further continuance or delay, unless it shall appear to the said court that further time ought to be given to the party applying for the same: and either of the said parties may demand a trial by jury, or leave the cause to be determined by the court, at their election; and in any case of appeal from the decision of a justice of the peace, the circuit court, where two summonses against the appellee shall be returned *non est*, or one attachment returned *non est*, and the said appellee shall not appear, the court may proceed to hear and determine such case, in the same manner as if the appellee had regularly appeared: *Provided*, That no appeal from the judgment of any justice of the peace to the circuit court of the District of Columbia shall be dismissed because the same had not been prayed to the circuit court next after the rendition of such judgment, unless the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of said circuit court.

Proviso.

Judgment or supersedeas not to be returned to the clerk of the circuit court.

SEC. 8. *And be it further enacted*, That from and after the first day of June next, no justice of the peace within the District of Columbia, before whom any judgment hath been rendered, or any supersedeas on any judgment rendered by a justice of the peace, hath been taken, shall make return of any such judgment or supersedeas to the office of the clerk of the circuit court of the District of Columbia, for the purpose

that the same should be recorded or filed therein, by the clerks of the said circuit court; any law to the contrary notwithstanding.

SEC. 9. *And be it further enacted*, That any justice of the peace before whom supersedeas may be taken, or any other justice of the peace of said county, may, and shall, at the request of the plaintiff, or any other person authorized by, or on behalf of, the said plaintiff, issue execution, by way of *capias ad satisfaciendum* or *feri facias*, against the principal debtor and his sureties, or against either of them, after the expiration of the time so mentioned in the said supersedeas.

Justices to issue execution.

SEC. 10. *And be it further enacted*, That the constables of the said district, who have been, or may hereafter be, duly appointed and qualified, according to law, are hereby authorized and empowered to serve and levy executions issued by a justice of the peace, on judgments obtained for small debts, out of court, in the same manner, and by the same process, as the marshal of the District of Columbia, or his deputies, are authorized to do; and that a commission of five per cent. be allowed the constable for every sum thereon by him levied: *Provided*, That the said constables shall, before they proceed to the discharge of the duties required by this act, give bond to the United States, with good and sufficient security, in the penalty of two thousand dollars, to be approved of by any one of the judges of the circuit court of said district, for the due performance of the duties of a constable, and, also, for the duties and trusts reposed in them by virtue of this act; and it shall be the duty of such judge, forthwith, to have the same filed or entered on record by the clerk of the county in which said constable may reside, at the cost and expense of said constable. And the said constables shall, after this act goes into effect, make all returns now made to the clerk of the circuit or county court, to the justices of the peace, at such times, in such manner, and under such penalties as are at present established by law, in rendering the same to the said clerk: *Provided*, That no return, judgment, or execution, shall be received or recorded as satisfied, by the said justices of the peace, without the receipt of the plaintiff annexed to the same: *Provided also*, That nothing in this act contained shall be construed to prohibit or prevent the marshal, or his deputies, in the respective counties in the District of Columbia, from executing or levying executions, issued by a justice of the peace, for small debts, out of court, when the same are put into their hands for that purpose, in the same manner as by law they have been, or now are, authorized to do; but for executing or levying such executions, the said marshal, or his deputies, shall be entitled to the same commission, and nothing more, as is herein allowed to constables in such cases; and where the marshal or constable shall have received money, on any judgment or execution, not exceeding twenty dollars, and shall fail or omit to pay the same to the plaintiff, or his agent, when thereto demanded, or shall omit or fail to return any execution within the time limited for such return, it shall and may be lawful for any court of record, within the District of Columbia, on motion made, five days' previous notice being given to said marshal or constable, to enter up judgment, *instanter*, against them, for the amount so received, with interest and costs.

Constables may serve and levy executions, &c.

Proviso.

Proviso.

Proviso.

SEC. 11. *And be it further enacted*, That where any judgment, before any justice of the peace, shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said judgment had been obtained, or any other justice of the peace for said county, to revive the same by *scire facias*, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same, to the said justice, or any other justice of the peace, of said county; and any constable, qualified as above mentioned, of the said county, is hereby authorized and required to serve such writ of *scire facias*, and make due

Justices may revive judgments by *scire facias*.

Constables to serve *scire facias*.

return thereof on the return day mentioned in the said writ, in the same manner, and entitled to the same fee, and liable to the same penalty, as in the case of a warrant issued by a justice of the peace, as directed by law, in such case made and provided.

Constables to deliver persons committed, at the jail to the marshal or jailer, &c.

SEC. 12. *And be it further enacted*, That it may be lawful for any constable, qualified as aforesaid, to deliver, at the county jail, to the marshal of the said county, any person committed by a justice of the peace, on a *capias ad satisfaciendum*, whert the case may or doth so require; and that the said marshal, or his jailer, is hereby required and directed to take charge of such person, and the same in his custody safe keep, until such person or persons shall be duly discharged therefrom according to law.

Justices authorized to issue *capias ad satisfaciendum*.
Proviso.

SEC. 13. *And be it further enacted*, That the justices of the peace be, and they are hereby, authorized and empowered to issue *capias ad satisfaciendum*, or *feri facias*, in all cases where the said justices are empowered to render judgment by virtue of this act, or the laws already in existence in the District of Columbia: *Provided, however, and it is hereby enacted*, That the necessary beds, bedding, not exceeding one bed and the bedding thereof, for every two persons belonging to the family of every such debtor, and wearing apparel, and one cow of each and every debtor and his family, against whose goods, chattels, and effects, a writ of *feri facias* shall be issued, as aforesaid, shall not be liable to seizure and sale under such writ, but shall, in all cases, be exempt, together with the tools and implements of his trade, from the operation of the same; nor shall it be lawful for any person to distrain them for rent.

Justices' fees.

SEC. 14. *And be it further enacted*, That, it shall and may be lawful for the several justices of the peace within the District of Columbia to ask and receive, for the performance of their duties under this act, such fees as are allowed to said justices, for similar services, by the laws at present in force in the said district.

Parties may demand a trial by jury.

SEC. 15. *And be it further enacted*, That, in every action to be brought by virtue of this act, where the sum demanded shall exceed twenty dollars, it shall be lawful for either of the parties to the suit, after issue joined, and before the justice shall proceed to inquire into the merits of the cause, to demand of the said justice that such action be tried by a jury; and upon said demand, the said justice is hereby required to issue a *venire*, under his hand and seal, directed to any constable of the county where said cause is to be tried, commanding him to summon twelve jurors, to be and appear before the justice issuing such *venire*, at such time and place as shall be therein expressed; and the jurors thus summoned shall possess the qualifications, and be subject to the exceptions, now existing by law in the District of Columbia.

Jurors to be sworn, and to deliver their verdict publicly to the justice, who shall give judgment thereon and issue execution.

SEC. 16. *And be it further enacted*, That if any of the persons so summoned and returned as jurors, shall not appear, or be challenged and set aside, the justice before whom the said cause is to be tried, shall direct the constable to summon, and return forthwith, a tales, each of whom shall be subject to the same exceptions as the jurors aforesaid, so as to make up the number of twelve, after all causes of challenge are disposed of by the justice; and the said twelve persons shall be the jury who shall try the cause, each of whom shall be sworn by the justice, well and truly to try the matter in difference between the parties, and a true verdict to give, according to evidence; and, the said jury being sworn, shall sit together, and hear the proofs and allegations of the parties, in public, and when the same is gone through with, the justice shall administer to the constable the following oath, viz: "You do swear, that you will keep this jury together in some private room, without meat or drink, except water; that you will not suffer any person to speak to them, nor will you speak to them yourself unless by order of the justice, until they have agreed on

their verdict." And when the jurors have agreed on their verdict, they shall deliver the same publicly to the justice, who is hereby required to give judgment, forthwith, thereon; and the said justice is hereby authorized to issue execution on said judgment, in the manner, and under the limitations, herein before directed.

SEC. 17. *And be it further enacted*, That, in addition to the fees herein before provided for in trials before justices, there shall be allowed to the justice, for issuing a venire facias, twenty-five cents, and for swearing the jury, twelve and an half cents; to the jurors sworn to try, twelve and a half cents each; and to the constable, for summoning the jury, thirty-seven and an half [half] cents.

APPROVED, March 1, 1823.

Additional fees of justices and jurors.

STATUTE II.

CHAP. XXV.—*An Act for carrying into effect the Convention of navigation and commerce between the United States and France, concluded at Washington, on the twenty-fourth day of June, eighteen hundred and twenty-two.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act to impose a new tonnage duty on French ships and vessels, approved on the fifteenth day of May, one thousand eight hundred and twenty, be, and the same is hereby, repealed.

Act of May 15, 1820, ch. 126, respecting tonnage duty on French vessels, repealed.

SEC. 2. *And be it further enacted*, That, for the term of two years, from and after the thirtieth day of September last, articles of the growth, produce, or manufacture, of France, imported into the United States, in French vessels, shall pay an additional duty of three dollars and seventy-five cents per ton of merchandise, according to the tenor of the convention of navigation and commerce between the United States and France, concluded on the twenty-fourth day of June, one thousand eight hundred and twenty-two, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States: *Provided always*, That no discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms, into the ports of the United States, for transit or re-exportation.

From and after Sep. 30, 1822, French goods imported in French vessels to pay an additional duty of \$3,75 per ton.

Proviso.

SEC. 3. *And be it further enacted*, That, from and after the expiration of two years from the said thirtieth day of September last, in case of the continuance in force of the said Convention, and so long as the same shall continue in force, the extra duties, specified in the second section of this act, shall, from and after the said thirtieth day of September, one thousand eight hundred and twenty-four, be diminished by one-fourth of their whole amount; and, afterwards, by one-fourth of said amount, from year to year, so long as neither of the parties to the said convention shall have declared the intention of renouncing the same, in the manner therein provided, and until the whole of such discriminating and extra duty shall have been done away.

At the expiration of two years, extra duties to be diminished one-fourth of the whole amount, and so from year to year.

SEC. 4. *And be it further enacted*, That, during the continuance in force of the said convention, the duties of tonnage, light money, pilotage, port charges, brokerage, [brokerage,] and all other duties, upon foreign shipping, over and above those paid by vessels of the United States, other than those specified in the second section of this act, shall not exceed, for French vessels, in the ports of the United States, ninety-four cents per ton of the vessel's French passport.

Tonnage duty, light-money, &c., for French vessels not to exceed 94 cents per ton of the vessel's French passport.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to cause to be refunded, from any moneys in the treasury not otherwise appropriated, any extra duties, levied before

Extra duties levied before June 24 last to be refunded.

the twenty-fourth day of June last, by virtue of the act of Congress of the fifteenth of May, one thousand eight hundred and twenty, imposing a new tonnage duty on French ships or vessels.

Upon ratification of second separate article of the convention, the extra duties to be levied only on the excess of value of imports over that of exports.

SEC. 6. *And be it further enacted*, That, if the second separate article of the said convention, concluded on the twenty-fourth of June last, should be ratified by both the contracting parties thereto, and the ratifications thereof should be exchanged, on or before the twenty-third day of June next, then, from and after the expiration of two months, subsequent to the said exchange of ratifications, and during the continuance in force of the said separate article, the extra duties specified in the second section of this act shall be levied only upon the excess of value of the merchandise imported into the United States in any French vessel, over the value of the merchandise exported from the United States in the same vessel, upon the same voyage; so that, if the value of the articles exported shall equal or exceed that of the articles imported in the same vessel, (not including articles imported for transit or re-exportation,) no such extra duties shall be levied: and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of difference of their value.

Acts incompatible with the convention repealed.

SEC. 7. *And be it further enacted*, That all acts, or parts of acts, of Congress, incompatible with the execution of each and every article of the said convention, concluded on the twenty-fourth of June last, and of its ratified separate article, be, and the same are hereby, repealed.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Obsolete.]

Specific appropriations for the military service for 1823.

CHAP. XXVI.—*An Act making appropriations for the military service of the United States, for the year one thousand eight hundred and twenty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, respectively, appropriated for the military service of the United States, for the year one thousand eight hundred and twenty-three, to wit:

For the pay of the army, and subsistence of the officers, nine hundred and eighty-eight thousand nine hundred and seven dollars and seventy-five cents.

For subsistence, two hundred and seventy-six thousand one hundred dollars.

For forage for officers, thirty-five thousand five hundred and twenty dollars.

For the medical and hospital department, fifteen thousand six hundred and thirty-eight dollars.

For the purchasing department, one hundred and thirty-six thousand three hundred and fifty-one dollars.

For the quartermaster general's department, two hundred and ninety-seven thousand one hundred and forty-eight dollars.

For the contingencies of the army, ten thousand dollars.

For quartermaster's supplies, transportation, mathematical instruments, books, and stationery, for the military academy, twelve thousand dollars.

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirty-five thousand dollars.

For pensions to the revolutionary pensioners of the United States, one million five hundred and thirty-eight thousand eight hundred and fifteen dollars.

For the national armories, three hundred and sixty thousand dollars.

For the current expenses of the ordnance, forty-eight thousand dollars.

For arsenals, thirty-three thousand four hundred dollars.

For arrearages in the War Department, prior to the first of July, one thousand eight hundred and seventeen, thirty-five thousand dollars.

For the payment of the balance of the expenses of the militia court martial in the state of New York, of which brigadier general Gerard Stedford was president, including the sum of one thousand eight hundred and eighty-eight dollars eighty-nine cents, to make up the deficiency in the sum appropriated last year for the payment of brigadier general Beckman, M. Van Buren [Buren,] a member of said court, one thousand six hundred and twenty-six dollars and eighty-nine cents.

For the annuity to the Creek Indians, under the treaty of the eighth of January, one thousand eight hundred and twenty-one, with that tribe, five thousand dollars.

For the employment of teams, and for extra pay and rations to soldiers to be employed for the completion of the military road from Plattsburg to Sackett's Harbour, three thousand five hundred dollars.

For compensation to Captain Terry Runnels, due him for the transportation of baggage in the late Seminole war, forty-eight dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of treasury notes, received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

APPROVED, March 3, 1823.

To be paid from the Treasury.

Proviso.

Proviso.

STATUTE II.

March 3, 1823.

[Obsolete.]

Further appropriations for the military service.

Act of March 30, 1802, ch. 13, sec. 13.

CHAP. XXVII.—*An Act making further appropriations for the military service of the United States, for the year one thousand eight hundred and twenty-three, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, appropriated, to wit:

For pay allowed by law to the superintendent of Indian affairs at St. Louis, and the several Indian agents, twenty-six thousand five hundred dollars.

For pay allowed by law to sub-agents, eleven thousand dollars.

For presents to Indians, as authorized by the law of one thousand eight hundred and two, fifteen thousand dollars.

For contingent expenses of the Indian Department, ninety thousand dollars.

To enable the President of the United States to take such measures as may be necessary to purchase the right, title, and interest, which cer-

tain Indians have in three several tracts of land of four hundred acres each, lying in the county of Tuscaroras, in the state of Ohio, which were granted by Congress, in seventeen hundred and ninety-six, to the society of United Brethren, on trust, for the sole benefit of said Indians, the purchase to be made with the consent of said Society, one thousand dollars.

To purchase certain tracts of land, in the state of Georgia, reserved to the Indians, in fee, by the treaties with the Creek Indians, of the ninth day of August, one thousand eight hundred and fourteen, and of the eighth day of January, one thousand eight hundred and twenty-one; and by the treaties with the Cherokee Indians, of the eighth day of July, one thousand eight hundred and seventeen, and of the twenty-seventh day of February, one thousand eight hundred and nineteen, fifty thousand dollars.

To be paid out of the treasury.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the several sums hereby [hereby] appropriated, shall be paid out of any money in the treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of treasury notes, received by such person to be expended in the public service; but, in all cases where the pay or salary of any such person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent, or attorney, to report forthwith to the agent of the Treasury Department, the balance due; and it shall be the duty of said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Unexpended appropriation for the Choctaw treaty to be employed for a modification of said treaty.

SEC. 3. *And be it further enacted*, That, so much of the appropriation of sixty-five thousand dollars, made by the act of the third of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth October, eighteen hundred and twenty, with the Choctaw [Choctaw] Indians, as remains unexpended, may, under the direction of the President of the United States, be employed in obtaining such a modification of said treaty, as to have established as the eastern boundary of the cession made by that treaty to the Choctaws, and as the western boundary of the territory of Arkansas, a line due south from the southwest corner of the state of Missouri to Red river; and for running the line thus modified, and removing all obstructions to a due execution of the stipulations of the treaty of eighteen hundred and twenty.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XXVIII.—*An Act to amend "An act for the establishment of a territorial government in Florida," and for other purposes. (a)*

East and West Florida to constitute a territory under the name of the territory of Florida.

Governor and his duties.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that territory, ceded by Spain to the United States, known by the name of East and West Florida, shall constitute a territory of the United States, under the name of the territory of Florida, the government whereof shall be organized and administered as follows:

SEC. 2. *And be it further enacted*, That the executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander-in-chief of the

(a) See notes to the act of March 30, 1822, ch. 13.

militia of the said territory, and be, ex-officio, superintendent of Indian affairs; and shall have power to grant pardons for offenses [offences] against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission, by and with the consent of the legislative council, all officers, civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That a secretary of the territory shall be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States; whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council; and transmit authentic copies of the proceedings of the governor, in his executive department, every six months, to the President of the United States.

Secretary and his duties.

SEC. 4. *And be it further enacted*, That, in case of the death, removal, resignation, or necessary absence, of the governor of the said territory, the secretary thereof shall be, and he is hereby, authorized and required, to execute all the powers, and perform all the duties, of the governor, during the vacancy occasioned by the removal, resignation, or necessary absence, of the said governor; who shall, in no case, leave the said territory without permission first had of the President of the United States.

In case of death, &c., of the governor, the secretary to act in his place.

SEC. 5. *And be it further enacted*, That the legislative powers shall be vested in the governor, and in thirteen fit and discreet persons of the territory, nine of whom shall constitute a quorum to do business, to be called the legislative council; who shall be appointed, annually, by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States, or from among the inhabitants of the territory, resident there at the cession; but no person shall be eligible as a member of the said legislative council, who shall not have resided in the said territory at least six months previous to his appointment. The governor and legislative council shall have legislative powers over all rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States; or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions, or worship. The governor shall publish, throughout the said territory, all the laws which shall be made; and shall, on or before the first of December, in each year, report the same to the President of the United States, to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force. The governor and legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to lands within the said territory. The legislative council shall hold a session once in each year, commencing on the first Monday in May, in each and every year, but shall not continue longer in session than four weeks after the first session, which shall not continue longer than eight weeks; to be held in the city of St. Augustine, or at such other place or places, as the governor and council may, from time to time, direct. It shall be the duty of the governor to obtain all the information in his power in relation to the customs, habits, and dispositions, of the inhabitants of the said territory, and communicate the same, from time to time, to the President of the United States.

Legislative powers vested in the governor and legislative council, which latter shall be appointed annually by the President.

Powers of the legislature.

SEC. 6. *And be it further enacted*, That every bill which shall have passed the legislative council, shall, before it become a law, be presented to the governor. If he approve of it, he shall sign it; and, if not, he shall return it, with his objections, in writing, to the legislative council, who shall enter the objections at large on their journal, and proceed to

Bills which have passed the legislative council, to be presented to the governor.

reconsider it. If, after such reconsideration, two thirds of the members of the legislative council agree to pass the bill, it shall become a law; and the names of the persons voting for or against the bill shall be entered on the journal: *Provided, nevertheless,* That all bills to tax the inhabitants of the said territory, or their property, shall, before they become laws, receive the sanction of Congress; except when the said bills shall authorize county, city, and town, officers to collect taxes for the use and benefit of their respective counties, cities, and towns; and for no other purposes.

Proviso.

Judiciary.

SEC. 7. *And be it further enacted,* That the judicial power shall be vested in two superior courts, and in such inferior courts, and justices of the peace, as the legislative council of the territory may, from time to time, establish. There shall be a superior court for that part of the territory known as East Florida, to consist of one judge; he shall hold his court on the first Mondays in May and November, in each year, at St. Augustine, and at such other times and places as the legislative council shall direct. There shall be a superior court for that part of the territory known as West Florida, to consist of one judge; he shall hold a court at Pensacola, on the first Mondays in May and November, in each year, and at such other times and places as the legislative council shall direct.

Jurisdiction of the courts.

Clerks of court.

Writs of error and appeal.

Within its limits herein described, each court shall have jurisdiction in all criminal cases; and exclusive jurisdiction in all capital offences; and original jurisdiction in all civil cases, of the value of one hundred dollars, arising under, and cognisable by, the laws of the territory now in force therein, or which may, at any time, be enacted by the legislative council thereof. Each judge shall appoint a clerk for his respective court, who shall reside, respectively, at St. Augustine and Pensacola, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the territorial laws, such fees as shall be established by the legislative council. And the said judges may adjourn their respective courts to any other time or place, whenever St. Augustine or Pensacola shall be infected with a malignant fever; and writs of error and appeal from the final decisions of the said superiour [superior] courts, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same manner and under the same regulations, as from the circuit courts of the United States, where the amount in controversy [controversy,] to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

Courts to exercise the same jurisdiction as those in Kentucky under the acts of Sept. 24, 1789, ch. 20, and March 2, 1793, ch. 22.

Clerks to keep records.

Attorneys to be appointed for East and

SEC. 8. *And be it further enacted,* That each of the said superiour [superior] courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and constitution of the United States, which by an act to establish the judicial courts of the United States, approved the twenty-fourth of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second of March, one thousand seven hundred and ninety-three, was vested in the court of Kentucky district. And writs of error and appeal from the decisions in the said superiour [superior] courts, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same cases, and under the same regulations, as from the circuit courts of the United States. The clerks, respectively, shall keep the records at the places where the courts are held, and shall receive, in all cases arising under the laws and constitution of the United States, the same fees which the clerk of the Kentucky district received for similar services, whilst that court exercised the powers of the circuit and district courts.

SEC. 9. *And be it further enacted,* That there shall be appointed two persons, learned in the law, to act as attorneys of the United States, as well as for the territory, one for that part of the territory

known as East Florida, the other for that part of the territory known as West Florida: to each of whom, in addition to their stated fees, in civil cases, shall be paid, as a full compensation for all extra services, annually, the sum of two hundred dollars. There shall also be appointed two marshalls, [marshals] one for each of the said superiour [superior] courts, who shall, each, perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshalls [marshals] in other districts are entitled, for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services, and shall also be subject to such regulations and penalties as the legislative council shall impose, while acting under, and in virtue of, the territorial laws.

SEC. 10. *And be it further enacted,* That the governor, secretary, judges of the superiour [superior] courts, district attorneys, marshalls, [marshals] and all general officers of the militia, shall be appointed by the President of the United States, by and with the advice and consent of the Senate. All judicial officers shall hold their offices for the term of four years and no longer. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the Constitution of the United States, and for the faithful discharge of the duties of their office, before a judge of the Supreme or district court of the United States, or before a judge or justice of the peace of the territory. The governor shall receive an annual salary of two thousand five hundred dollars: the secretary, of one thousand five hundred, and the judges, of fifteen hundred each; to be paid quarterly, out of the treasury of the United States. The members of the legislative council shall receive three dollars, each, per day, during their attendance in council, and three dollars for every twenty miles in going to, and returning from, any meeting of the legislative council, once in each session, and no more. The members of the legislative council shall be privileged from arrest, except in cases of treason, felony, or breach of the peace, during their going to, attendance at, and returning from, each session of said council.

SEC. 11. *And be it further enacted,* That the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the treaty of the twenty-second of February, one thousand eight hundred and nineteen, in favour of Spanish vessels and their cargoes, and all other public acts of the United States, not inconsistent or repugnant to the provisions of this act, now in force, or which may hereafter be in force, shall extend to, and have full force and effect in, the territory aforesaid.

SEC. 12. *And be it further enacted,* That, to the end that the inhabitants may be protected in their liberty, property, and religion, no law shall ever be valid which shall impair, or in any wise restrain, the freedom of religious opinions, professions, and worship. They shall be entitled to the benefit of the writ of habeas corpus. They shall be bailable in all cases, except for capital offences, where the proof is evident, or the presumption great; all fines shall be moderate, and proportionate to the offence, and excessive bail shall not be required, nor cruel or unusual [unusual] punishments inflicted; no ex post facto law, or law impairing the obligation of contracts, shall ever be passed; nor shall private property be taken for public uses without just compensation.

SEC. 13. *And be it further enacted,* That all free male white persons, of full age, who are house-keepers, and who have resided one year in the said territory, shall be qualified to act as grand and petit jurors in the courts of the said territory, and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the

West Florida, and to receive each 200 dollars.

A marshal for each of the courts with a salary of 200 dollars for extra services.

Governor, secretary, judges, &c., to be appointed by the President.

Judicial officers to hold their offices for four years.

Salaries.

Privileges of the legislative council.

Revenue laws of the United States to have effect in the territory.

Privileges of the inhabitants.

Jurors.

judges of the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and be least burthensome to the inhabitants of the said territory.

No slave to be imported from places out of the United States, under a penalty of 300 dollars, and the freedom of the slave.

SEC. 14. *And be it further enacted*, That it shall not be lawful for any person or persons to import, or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves; and any person so offending, and being thereof convicted, before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave, so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave, so imported or brought, shall, thereupon, become entitled to, and receive, his or her freedom.

Territory entitled to one delegate to Congress.
Proviso.

SEC. 15. *And be it further enacted*, That the citizens of the said territory shall be entitled to one delegate to Congress, for the said territory, who shall possess the same powers heretofore granted to the delegates from the other territories of the United States: *Provided*, That no person shall be eligible for that office who shall not have resided at least twelve months in the said territory. The delegate shall be elected by such description of persons, at such times, and under such regulations, as the governor and legislative council may, from time to time, ordain and direct, soldiers of the United States excepted, who shall, under no circumstances, be qualified to vote.

Former act for the government of the territory repealed, when inconsistent with the provisions of this act.

Act of March 30, 1822, ch. 13.

SEC. 16. *And be it further enacted*, That an act, entitled "An act for the establishment of a territorial government in Florida," be, and the same is hereby, repealed, so far as the same is inconsistent with the provisions of this act; and that the proceedings of the last session of the legislative council of Florida be, and the same are hereby, confirmed, to remain in full force and effect until the end of the next session of the said council, unless sooner altered, modified, or repealed, with the exception of all revenue laws imposing taxes on the inhabitants or their property, and the law authorizing the governor to borrow five thousand dollars on the credit of the said territory, and the law establishing county courts, which are hereby declared null and void; *Provided*, That no loan of money already made or obtained, under said law, shall be effected [affected] by this act, and that the act approved the second of September, one thousand eight hundred and twenty-two, by the governor, repealing all the laws and ordinances in force in the said territory, shall be, and is hereby, declared to have effect on the day of its passage by the legislative council, and not of its approval by the governor.

Proviso.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XXIX. — *An Act amending, and supplementary to, the "Act for ascertaining claims and titles to land in the territory of Florida," and to provide for the survey and disposal of the public lands in Florida. (a)*

Powers of the present commissioners of claims to be confined to West Florida.

Three commissioners to be appointed for East Florida.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the powers of the board of commissioners heretofore appointed, for ascertaining claims and titles to lands in the territory of Florida, shall be confined, exclusively, to the examination of titles and claims in that portion of said territory, heretofore known as West Florida; and that, for ascertaining titles and claims in East Florida, the President is hereby authorized, in the recess of the Senate, to appoint three commissioners, which appointments shall be of

(a) See notes to the act of May 8, 1822, ch. 129, ante, page 709, for the decisions of the courts of the United States on titles to land in Florida, &c.

force until the end of the next session of Congress thereafter, who may appoint their secretary, and who, with their secretary, shall, within the district of East Florida, possess all the powers given by, perform all duties [duties] required, and shall, in all respects, be subject to, the provisions and restrictions of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands in the territory of Florida," except [except] so far as the same is altered or changed by the provisions of this act; which board of commissioners, heretofore appointed, with that hereafter appointed, shall hold their sessions, severally, at the place within their respective districts, heretofore designated by law; but may adjourn to some other convenient place within their district, and may continue their sessions until the second Monday in February next, when they shall make a return of their proceedings to the Secretary of the Treasury, to be laid before Congress.

Act of May 8,
1822, ch. 129.

Commissioners to make return to the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That, in the examination of titles to land before either of said boards of commissioners, the claimant or claimants shall not be required to produce in evidence the deraignment of title from the original grantee or patentee, but the commissioners shall confirm every claim in favour of actual settlers at the time of session [cession] of the said territory to the United States, where the quantity claimed does not exceed three thousand five hundred acres, where such deraignment cannot be obtained, the validity of which has been recognised by the Spanish government, and where the claimant or claimants shall produce satisfactory evidence of his, her, or their, right to the land claimed: And said commissioners shall have the power, any law to the contrary notwithstanding, of deciding on the validity of all claims derived from the Spanish government in favour of actual settlers, where the quantity claimed does not exceed three thousand five hundred acres.

Claims in favour of actual settlers at the time of session to be confirmed.

SEC. 3. *And be it further enacted*, That each of the commissioners heretofore appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive compensation in proportion to that heretofore allowed him. And each of the commissioners hereafter appointed for East Florida, who shall actually perform the duties assigned him, shall receive the sum of two thousand dollars, as a full compensation, payable quarterly, from the Treasury of the United States.

Compensation of commissioners.

SEC. 4. *And be it further enacted*, That it shall be the duty of the district attorneys for said districts, respectively, whenever required to do so by the commissioners within his district, to attend them for the purpose of arguing and explaining any points of law that may be deemed necessary to be examined; and said attorney shall be entitled to the same compensation therefor as when attending on the district court of said territory.

District attorneys to attend the commissioners when required.

SEC. 5. *And be it further enacted*, That all claims not filed with the commissioners of the district, where the land claimed is situated, in the manner prescribed by the act to which this is an amendment, on or before the first day of December next, shall be held to be void and of none effect.

Claims not filed on or before 1st Dec. next, to be void.

SEC. 6. *And be it further enacted*, That it shall be the duty of the marshal [marshal] to execute and make return of all process which may be issued by the said commissioners, or the commissioners may, where they deem it necessary, authorize and empower any other person to execute and return said process.

Marshal to execute and make return of process.

SEC. 7. *And be it further enacted*, That, so soon as the commissioners shall have decided and reported on the private claims in said territory of Florida, a surveyor shall be appointed for the territory of Florida, who shall keep his office at such place, within the said territory, as the President of the United States shall designate; and shall receive the sum of

Surveyor to be appointed.

His salary.

two thousand dollars, payable quarterly, at the treasury of the United States.

Land offices to be established.

SEC. 8. *And be it further enacted*, That, for the disposal of the lands of the United States lying in the district of East Florida, a land office shall be established and kept at such place, within said district, as the President of the United States shall direct; and that, for the disposal of the lands of the United States lying in the district of West Florida, a land office shall be established at such place, in said district, as the President of the United States shall direct.

When land offices are to be opened.

SEC. 9. *And be it further enacted*, That, so soon as, in the opinion of the President of the United States, there shall be a sufficient quantity of the public lands surveyed, within either of the districts of East or West Florida, to authorize the opening of one or both of the land offices aforesaid, he shall cause the same to be opened, and shall proceed, from time to time, to appoint, with the advice and consent of the Senate, for each of the said offices, a register and receiver of the public moneys, who shall give security, in the same sums, and in the same manner, and whose compensation, emoluments, duties, and authority, shall, in every respect, be the same, in relation to the lands to be disposed of at their offices as are or may be provided by law in relation to the registers and receivers of public moneys, in the several land offices established for the disposal of the public lands of the United States.

The President to offer the lands for sale, and when.

SEC. 10. *And be it further enacted*, That, whenever a land office shall have been established in either of the districts aforesaid, and a register and receiver of public moneys appointed for the same, the President of the United States shall be, and he is hereby, authorized to direct so much of the public lands, lying in such district, as shall have been surveyed according to law, to be offered for sale, in the same manner, and with the same reservations and exceptions, and on the same terms and conditions, in every respect, as have been or may hereafter be, provided for the sale of the public lands of the United States.

An entire township in each of the districts to be reserved for a seminary of learning.

SEC. 11. *And be it further enacted*, That an entire township, in each of the districts of East and West Florida, shall be reserved from sale, for the use of a seminary of learning, to be located by the Secretary of the Treasury.

Rivers and waters of the territory to be public highways.

SEC. 12. *And be it further enacted*, That all the navigable rivers and waters in the districts of East and West Florida shall be, and forever remain, public highways.

Part of the former act of May 8, 1822, ch. 129, repealed.

SEC. 13. *And be it further enacted*, That so much of the act, approved the eighth day of May, one thousand eight hundred and twenty-two, entitled "An act for ascertaining claims and titles to land in the territory of Florida," as is inconsistent with the provisions of this act, be, and the same is hereby, repealed; and so much thereof as provides for the appointment of a surveyor general, and allows him to charge fees, is hereby repealed.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XXX.—*An Act providing for the examination of the titles to land in that part of the state of Louisiana, situated between the Rio Hondo and the Sabine river.*

See act of May 26, 1824, ch. 182.

Land between the Rio Hondo and Sabine river, in the state of Louisiana, at

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that tract of country situated between the Rio Hondo and Sabine river, within the state of Louisiana, and, previously to the treaty of the twenty-second of February, one thousand eight hundred and nineteen, between the United States and Spain, called the neutral territory, be, and the same is hereby,

attached to the district south of Red river; and the register and receiver of the land office, in said district, are required to receive and record all written evidences of claim to land in said tract of country, derived from, and issued by, the Spanish government of Texas, prior to the twentieth day of December, one thousand eight hundred and three, according to the regulations, as to the granting of lands, the laws and ordinances of said government, and to receive and record all evidences of claim, founded on occupation, habitation and cultivation, designating particularly the time and manner in which each tract was occupied, inhabited, or cultivated, prior to, and on, the twenty-second February, eighteen hundred and nineteen, and the continuance thereof subsequent to that time, with the extent of the improvement on each tract, and to receive and record such evidence as may be produced, touching the performance of the conditions required to be performed by any holder of any grant, concession, warrant, or order of survey, or other written evidence of claim, and on which the validity of such claim may have depended under the government from which it emanated, and to receive and record all evidence of fraud in obtaining or issuing the written evidence of such claims, and of their abandonment or forfeiture.

SEC. 2. *And be it further enacted*, That the register and receiver, as aforesaid, shall transmit to the Secretary of the Treasury, a complete record of all the claims presented to them under this act, and the evidence appertaining to each claim, and shall also make out and transmit, to the Secretary of the Treasury, an abstract containing the whole number of claims, in four distinct classes, the first of which shall contain a specification of the nature and extent of complete titles, the time when, and by whom, issued, and to whom, with the date of any transfer, the name of the person transferring, and to whom transferred, and where the conditions of such grant or patent have been complied with; the second shall contain all claims founded on written evidence and not embraced in the first class, and where the conditions on which the perfection thereof into complete titles may have depended, according to the laws and ordinances of the Spanish government, are shown to have been complied with: the third class shall consist of claims founded on habitation, occupation, or cultivation, previously to twenty-second of February, one thousand eight hundred and nineteen, and in the manner which would have entitled the claimants to a title under the government exercising the sovereign power over that tract of country, and which, in their opinion, ought to be confirmed; the fourth class shall consist of those claims, which, in the opinion of the register and receiver, ought not to be confirmed: *Provided*, That nothing contained in this act shall be considered as a pledge on the part of Congress to confirm any claim thus reported.

SEC. 3. *And be it further enacted*, That it shall be the duty of the register and receiver aforesaid, after suitable notice to claimants, of the time and place of their meeting, and the object thereof, be given by them, to hold their session at Natchitoches, so long as may be necessary for the performance of the duties herein prescribed, and shall be allowed the sum of five hundred dollars each, as a full compensation for the services required to be performed by this act.

APPROVED, March 3, 1823.

tached to the district south of Red river.

Register and receiver to receive and record evidences of claims.

Register and receiver to transmit to the Secretary of the Treasury a record of all claims, and the evidence.

Classes of claims.

Proviso.

Register and receiver to hold their session at Natchitoches.

STATUTE II.

CHAP. XXXI.—*An Act making appropriations for the support of government for the year one thousand eight hundred and twenty-three.*

March 3, 1823.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, respectively, appropriated for the service of the year one thousand eight hundred and twenty-three; that is to say:

Sums appropriated for the year 1823.

Officers and attendants of Congress.

For compensation to the officers, and attendants, of the Senate and House of Representatives, twenty-nine thousand two hundred dollars.

Contingent expenses of Congress.

For the expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, forty thousand dollars.

Library, and librarian of Congress.

For the expenses of the library of Congress, including the salary of the librarian, one thousand nine hundred and fifty dollars.

President.

For the gradual increase of the library, two thousand dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

Vice President.

For compensation to the Vice President of the United States, five thousand dollars.

Secretary of State.

For compensation to the Secretary of State, six thousand dollars.

Clerks.
1818, ch. 87.

For compensation to the clerks in the Department of State, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

Messengers.

For compensation to the messengers in said department, including the messenger in the patent office, one thousand four hundred dollars, in full of all allowances.

Contingent expenses.

For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, eighteen thousand eight hundred dollars.

Additional commercial digest.

For preparing and reporting an additional commercial digest, pursuant to a resolution of the House of Representatives, [Representatives,] of the twenty-first January, one thousand eight hundred and twenty-three, one thousand dollars.

Jan. 21, 1823.

Secretary of the Treasury.

For compensation to the Secretary of the Treasury, six thousand dollars.

Clerks.

1818, ch. 87.

For compensation to the clerks in the office of the Secretary of the Treasury, per act of the twentieth of April, one thousand eight hundred and eighteen, ten thousand four hundred dollars.

Additional clerk

For an additional clerk in said office, from first of July, one thousand eight hundred and twenty-two, to thirty-first of December, one thousand eight hundred and twenty-three, one thousand seven hundred and twenty-five dollars.

Messengers.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

First comptroller.

For compensation to the first comptroller of the treasury, three thousand five hundred dollars.

Clerks.

1818, ch. 87.

For compensation to the clerks in the office of the first comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

Messengers.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

2d comptroller.

For compensation to the second comptroller of the treasury, three thousand dollars.

Clerks.

1818, ch. 87.

For compensation to the clerks in the office of the second comptroller, per act of the twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

Messenger.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

1st auditor.

For compensation to the first auditor of the treasury, three thousand dollars.

Clerks.

1818, ch. 87.

For compensation to the clerks in the office of the first auditor of the treasury, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.

Messenger.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

2d auditor.

For compensation to the second auditor of the treasury, three thousand dollars.

For compensation to the clerks in the office of the second auditor, sixteen thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the third auditor of the treasury, three thousand dollars.

For compensation to the clerks in the office of the third auditor, twenty-three thousand three hundred and fifty dollars.

For compensation to the messenger and assistant in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the fourth auditor of the treasury, three thousand dollars.

For compensation to the clerks in the office of the fourth auditor, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the fifth auditor of the treasury, three thousand dollars.

For compensation to the clerks in the office of the fifth auditor, per act of the twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For two clerks to complete the duties of the commissioner of the revenue, transferred to the office of the fifth auditor, two thousand five hundred and fifty dollars.

For one clerk on the business of the agent of the treasury, transferred to the office of the fifth auditor, one thousand one hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of the treasurer, per act of twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to an additional clerk, and also for an assistant to the chief clerk, as allowed since the first of January, one thousand eight hundred and nineteen, twelve hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the commissioner of the general land office, three thousand dollars.

For compensation to the clerks in the office of said commissioner, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to the messenger in said office, and pay of a labourer, nine hundred and forty dollars, in full of all allowances.

For compensation to the register of the treasury, three thousand dollars.

For compensation to the clerks in the office of the register, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand three hundred and fifty dollars.

For compensation to the messenger, including the allowance for stamping ships' registers, eight hundred dollars, in full of all allowances.

For an assistant messenger in said office, three hundred and fifty dollars, in full of all allowances.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea-letters, for expense of translating foreign languages in the office of

Clerks.
1818, ch. 87.
Messenger.

3d auditor.

Clerks.

Messengers.

4th auditor.

Clerks.
1818, ch. 87.

Messenger.

5th auditor.

Clerks.
1818, ch. 87.

Clerks to commissioner of revenue.

Clerk on business of agent of the treasury.

Messenger.

Treasurer.

Clerks.
1818, ch. 87.

Additional clerk.
1820, ch. 38.

Messenger.

Commissioner of general land office.

Clerks.
1818, ch. 87.

Messenger.

Register of treasury.
Clerks.

1818, ch. 87.

Messenger, &c.

Assistant messenger.

Secretary to sinking fund.

Translator and contingent expenses.

the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts for the year one thousand eight hundred and twenty-three, thirty thousand three hundred dollars.

- Superintendent and watchmen. For allowance to the superintendent and four watchmen, employed for the security of the state and treasury buildings, for the repairs of engines, hose and buckets, one thousand nine hundred dollars.
- Secretary of War. Clerks. For compensation to the Secretary of War, six thousand dollars.
- Messengers. For compensation to the clerks in the office of the Secretary of War, twenty-two thousand six hundred dollars.
- Paymaster general. Clerks. For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- Messenger. For compensation to the paymaster general, two thousand five hundred dollars.
- Commissary general. Clerks. For compensation to the clerks in the office of the paymaster general, three thousand one hundred dollars.
- Messenger. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Commissary general. Clerks. For compensation to the commissary general of purchases, three thousand dollars.
- Messenger. For compensation to the clerks in the office of the commissary general of purchases, two thousand eight hundred dollars.
- Adjutant general's clerks. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Clerks of the Ordnance. For compensation to the clerks in the office of the adjutant general, two thousand one hundred and fifty dollars.
- Clerks of commissary general of subsistence. For compensation to the clerks in the ordnance office, two thousand nine hundred and fifty dollars.
- Clerks of chief engineer. For compensation to the clerks in the office of the commissary general of subsistence, two thousand one hundred and fifty dollars.
- Surgeon general's clerk. For compensation to the clerks in the office of the chief engineer, two thousand one hundred and fifty dollars.
- Contingent expenses of War Department. For compensation to the clerk in the surgeon general's office, one thousand one hundred and fifty dollars.
- Secretary of the Navy. Clerks. For the contingent expenses of the War Department, including fuel, stationery, &c., six thousand dollars.
- Messengers. For compensation to the Secretary of the Navy, six thousand dollars.
- Contingent expenses. For compensation to the clerks in the office of the Secretary of the Navy, per act of the twentieth of April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.
- Commissioners of navy board. For compensation to the messengers in said office, one thousand and fifty dollars in full of all allowances.
- Secretary of commissioners. For the contingent expenses of said office, two thousand dollars.
- Clerks. For compensation to the commissioners of the navy board, ten thousand five hundred dollars.
- 1818, ch. 87. For compensation to the secretary of the commissioners of the navy board, two thousand dollars.
- Other clerks, &c. For compensation to the clerks in the office of the commissioners of the navy board, per act of twentieth April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.
- Messenger. For compensation of three clerks, and a draftsman, as allowed by the acts of appropriation since the first of January, one thousand eight hundred and nineteen, four thousand dollars.
- Contingent expenses. For compensation to the messenger, in said office, seven hundred dollars, in full of all allowances.
- For compensation to the messenger, in said office, seven hundred dollars, in full of all allowances.
- For compensation to the messenger, in said office, seven hundred dollars, in full of all allowances.
- For allowance to the superintendent, and four watchmen, employed for

the security of the war and navy buildings, and for the incidental and contingent expenses, including oil, fuel, and candles, two thousand and sixty-eight dollars.

Security of war and navy buildings.

For compensation to the Postmaster General, four thousand dollars.

For compensation to two assistant postmasters general, five thousand dollars.

Postmaster general.
Assistant P. M. general.
Clerks.

1818, ch. 87.

For compensation to the clerks in the general post-office, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For additional clerk hire, and other expenses in the general post-office, for the year one thousand eight hundred and twenty-two, three thousand four hundred and eighty-one dollars and ninety-eight cents.

For the salaries of two additional clerks in the general post-office, one thousand six hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

Messengers.

For contingent expenses of said office, four thousand dollars.

Contingent expenses.

For compensation to the surveyor general, two thousand dollars.

Surveyor general.
Clerks.

For compensation to the clerks in the office of the surveyor general, two thousand one hundred dollars.

For compensation to the surveyor south of Tennessee, two thousand dollars.

Surveyor south of Tennessee.
Clerks.

For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.

For compensation to the surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

Surveyor in Illinois and Missouri, &c.
Clerks.

For compensation to the clerks in the office of the said surveyor, two thousand dollars.

Surveyor in Alabama.
Clerks.

For compensation to the surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of the said surveyor, one thousand five hundred dollars.

Commissioner of public buildings.

For compensation to the commissioner of the public buildings, at Washington city, one thousand five hundred dollars.

Late commissioner of loans in Georgia, &c.

For compensation to the late commissioner of loans in Georgia, from the second of September, one thousand eight hundred and eight, to the thirteenth of June, one thousand eight hundred and ten; and for printing and stationery, as settled at the treasury, one thousand three hundred and sixty-five dollars seventy-two cents.

For compensation to the officers and clerk of the mint, nine thousand six hundred dollars.

Officers and clerk of the mint.

For persons employed in the different operations of the mint, ten thousand dollars.

Persons employed in the mint.

For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage, of the mint, ten thousand one hundred and fifty dollars.

Contingent expenses, &c.

For compensation to the governor, judges, and secretary, of the Arkansas territory, six thousand six hundred dollars.

Governor, &c. of Arkansas.

For the contingent expenses of the Arkansas territory, three hundred and fifty dollars.

Contingent expenses.

For compensation to the governor, judges, and secretary, of the Michigan territory, six thousand six hundred dollars.

Governor, &c. of Michigan.

For the contingent expenses of the Michigan territory, three hundred and fifty dollars.

Contingent expenses.

For compensation to the governor, judges, and secretary, of the Florida territory, including arrearages [arrears] for the year one thousand eight hundred and twenty-two, eleven thousand six hundred and forty-nine dollars and seventy cents.

Governor, judges, &c. of Florida.

For compensation and travelling expenses of the members of the legislative council; and for the contingent expenses of the territory;

Legislative council.

including arrearages [arreages] for the year one thousand eight hundred and twenty-two, thirteen thousand three hundred and eighty-six dollars and fifty-four cents.

Commissioners
of land claims
in Florida, &c.

For compensation to three commissioners to settle land claims in said territory, including arrearages [arreages] for the year one thousand eight hundred and twenty-two, nine thousand eight hundred and ninety dollars and eleven cents.

Chief justice,
&c. of the United
States.

For compensation to the chief justice, the associate judges, and district judges, of the United States, including the chief justice and associate judges of the District of Columbia, seventy-eight thousand four hundred dollars.

Attorney gen-
eral.

For compensation to the attorney general of the United States, three thousand five hundred dollars.

Clerk.

For compensation to the clerk in the office of the attorney general, eight hundred dollars.

Reporter of
Supreme Court.

For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars.

District attor-
neys and mar-
shalls.

For compensation to sundry district attorneys and marshalls [marshalls,] as granted by law, including those in the several territories, nine thousand nine hundred seventy-three dollars and sixty-three cents.

Courts, jurors,
and witnesses.

For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, sixty-five thousand dollars.

Sundry pen-
sions.

For the payment of sundry pensions, granted by the late and present governments, two thousand two hundred and fifty dollars.

Lighthouses.

For the support and maintenance of lighthouses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs, and improvements, and contingent expenses, one hundred and two thousand four hundred and forty-one dollars and sixty-five cents.

Buoys.

For procuring and placing three buoys on the bar near the port of Georgetown, South Carolina, in addition to the sum heretofore appropriated for that object, six hundred dollars.

Surveying.

For surveying the public lands of the United States, one hundred and ninety-seven thousand dollars.

Capitol.

For carrying on the centre building of the Capitol, one hundred thousand dollars.

John Trum-
bull for paint-
ings.

For payment to John Trumbull, for paintings commemorative of the most important events of the revolution, six thousand dollars.

Stationery,
&c. for commis-
sioners of loans.
Miscellaneous
claims.

For stationery and books, for the offices of commissioners of loans, six thousand and thirty-five dollars and ninety-three cents.

Ministers, &c.
of the United
States.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the treasury, six thousand dollars.

For the salaries of the ministers of the United State [States] to London, Paris, St. Petersburg, Lisbon and Madrid, with the salaries of their several secretaries of legation and the salaries of the charge d'affaires at the Hague and at Stockholm, sixty-four thousand dollars.

Contingent
expenses.

For the contingent expenses of those missions, ten thousand dollars.

Agents of
claims.

For the salaries of the agents of claims at London and Paris, eight thousand dollars.

Commission-
ers, &c. under
11th article of
Spanish treaty.

For the salaries of the commissioners, secretary, clerk, and messenger, together with the contingent expenses of the commission under the eleventh article of the treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen, eighteen thousand dollars.

Treaty of
Ghent.

For expenses of carrying into effect the fifth, sixth, and seventh, articles of the treaty of Ghent, concluded on the twenty-fourth of December, one

thousand eight hundred and fourteen, including the compensation of the commissioners, agents, and surveyors, and their contingent expenses, sixteen thousand dollars.

For the corporation of the city of Washington, to re-imburse the said corporation a just portion of the expense of making streets, and other improvements, adjoining the public property, five thousand dollars.

For carrying into execution the convention recently ratified, relating to the slaves carried away in contravention to the first article of the treaty of Ghent, twenty thousand dollars.

For surveying and marking the boundary line between the state of Missouri and territory of Arkansas, the sum of three thousand dollars, to be expended under the direction of the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated, shall be paid out of any money in the treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided further*, That nothing in this section contained shall extend to balances, arising solely from the depreciation of treasury notes, received by such person, to be expended in the public service, or to the appropriation for compensation to the Vice President of the United States; but in all cases where the pay or salary of any person is withheld in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report, forthwith, to the agent of the Treasury Department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

APPROVED, March 3, 1823.

Corporation of the city of Washington.

Convention of St. Petersburg.

Boundary line of Missouri.

Proviso.

Proviso.

STATUTE II.

CHAP. XXXII.—*An Act making appropriations for the support of the navy of the United States, for the year one thousand eight hundred and twenty-three.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for defraying the expenses of the navy for the year one thousand eight hundred and twenty-three, the following sums be, and the same are hereby, respectively appropriated:

[Obsolete.]
Special appropriations for the navy.

For the pay and subsistence of the officers, and pay of the seamen, nine hundred and twenty-nine thousand five hundred and three dollars and twelve cents, including the sum of twenty-six thousand eight hundred and eighty-six dollars for six months' pay for the petty officers, able seamen, ordinary seamen, and boys, required for a frigate of forty-four guns.

For provisions, two hundred and twenty thousand dollars.

For medicines, hospital stores, and all expenses on account of the sick, twenty thousand dollars.

For the repairs of vessels, three hundred and fifty thousand dollars.

For the improvement of navy yards, docks and wharves, eighty-two thousand dollars.

For ordnance and ordnance stores, including small arms, manufacture of powder, &c. twenty thousand dollars.

For pay of superintendents, naval constructors, store-keepers, inspectors of timber, clerks of the yards, and artificers, forty-four thousand six hundred and fifty dollars, including the sum of four thousand one

hundred dollars, to cover a deficiency in the appropriation of the year eighteen hundred and twenty-two.

For labourers and teams employed in loading and unloading vessels, piling, docking, and removing timbers, stores, &c. and fuel for the engine, thirty thousand dollars, including the sum of ten thousand dollars to cover a deficiency in the appropriation of the year eighteen hundred and twenty-two.

For contingent expenses, two hundred and twenty thousand dollars.

For erecting and completing houses over ships in ordinary, for their preservation from the weather, eighty thousand dollars.

For the construction of a dock and wharves, in connection with the inclined plane erected at the navy yard in Washington, fifty thousand dollars.

For pay and subsistence of the marine corps, one hundred and seventy-six thousand four hundred and seventy-four dollars.

For clothing for the same, twenty-nine thousand dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand eight hundred and fifty-seven dollars and fifty cents.

For contingent expenses for the same, that is to say, fuel for the commissioned officers, bed sacks, repairing barracks, transportation, and travelling expenses to officers, postage of letters, armorers, and armorers' tools, and stationery with extra rations to officers, fourteen thousand dollars.

1819, ch. 101.

To enable the President of the United States to carry into effect the act entitled "An act in addition to the acts prohibiting the slave trade," fifty thousand dollars.

For shot, shells, and military stores, being the amount of the unexpended [unexpended] balance of appropriations for previous years, four thousand and thirty-five dollars and ninety-five cents.

For military stores of the marine corps, being the amount of the unexpended balance of appropriations for previous years, ten thousand five hundred dollars and thirty-five cents.

To be paid
out of the
treasury.
Proviso.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated, shall be paid out of any money in the treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained, shall extend to balances arising solely from the depreciation of treasury notes, received by such person to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department, the balance due: and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Proviso.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XXXIII.—*An Act to discontinue certain post-roads and to establish others.*

Post-roads
discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following post-roads be discontinued, to wit:

Massachusetts.

In Massachusetts.—From Monson to Palmer.
From Brimfield to Sturbridge.

- In Rhode Island.*—From Providence to Chepachet, in Gloucester.
- In Pennsylvania.*—From Greensburg, in Beaver county, through Mount Jackson, New Castle, and Mercer, to Franklin.
- In North Carolina.*—So much of the route from Warrenton, North Carolina, to Edonton, [Edenton,] as lies between Halifax and Murfreesborough.
- The route from Tarborough to Scotland Neck, and from Stantonsburg to Fayetteville.
- In Kentucky.*—From Bowling Green to Corydon, in Indiana.
- In Tennessee.*—From Lebanon to Mount Richardson.
- In Ohio.*—From Chillicothe, through Wilmington, in Clinton county, and Lebanon, in Warren county, to Cincinnati.
- In the Floridas.*—From Pensacola to St. Marks, thence to Vollusia Dexter's, on St. John's river, and thence to St. Augustine.
- SEC. 2. *And be it further enacted,* That the following mail-routes shall be, and the same are hereby, established, to wit:
- In Maine.*—From Scowhegan Bridge, in Canaan, Somerset county, passing through Madison and Solon, to Solon post-office.
- From the town of Harmony, in the county of Somerset, through Ripley, Parkman, Sangerville, Guilford, Foxcraft, and Dover, to Sebee, in the county of Penobscott.
- From Belfast to Frankfort, through Swanville and Monroe, in lieu of the present route, which is hereby repealed.
- In Massachusetts.*—From Springfield through Wilbraham, Monson, Brimfield, Sturbridge, and Southbridge, to Thompson, in Connecticut, and thence through Chepachet, to Providence, in Rhode Island.
- In Connecticut.*—From Spencer's corner, in Northeast, Dutchess county, New York, by the meeting house, in Salisbury, to the post-office in North Canaan.
- In New Hampshire.*—From Hancock, through Stoddart, to Marlow.
- From Crawford's, in Nash and Sawyer's location, to Littleton post-office.
- In Vermont.*—From Poultney to Whitehall, in New York.
- In New York.*—From Almond, by Alfred, to Independence in Allegheny county.
- From Wayne, Steuben county, to Trumansburgh, in Tompkins county.
- From Buffalo, in Erie, to Olean, in the county of Cataragus, passing through the towns of Hamburg, Boston, Concord, and Ellicottsville.
- From Elliott's, by Royalton, to Hartland post-office.
- From the village of Greene, in Chenango county, to Cincinnatus, in Courtland county, passing through the Big Flats, in the town of Smithfield, and Livermore's tavern, in Germantown.
- From Morgansville, at the mouth of the Tonnewonta creek, in Niagara county, to Lockport.
- From Potsdam, on the turnpike, by Canton, to Ogdensburgh on the mail-route from Plattsburgh, by Malone, to Ogdensburgh.
- From Albany to Ranslaerville, [Rensselaerville,] through the towns of Bethlehem and Burn, to intersect the post-road from Albany to Susquehanna, by the way of the Delaware turnpike, to Milfordville.
- In Pennsylvania.*—From the city of Lancaster, along the White Horse [House] road, to where it intersects the state road leading from West Chester to M'Call's Ferry.
- From Kimberton to the Yellow Springs.
- From Greensburgh, in Beaver county, through Mount Jackson and New Castle, to Harlemburg.
- From Warren, in the county of Warren, to Olean, in New York; to pass by the mouth of Great Valley and Kinkum Creeks.

Post-roads
established.
Rhode Island.
Pennsylvania.
North Carolina.

Kentucky.
Tennessee.
Ohio.

Florida.

Mail-routes
established.

Maine.

Massachusetts.

Connecticut.

New Hampshire.

Vermont.
New York.

Pennsylvania.

- Post-roads established. From Mercer, in the county of Mercer, to Franklin, in the county of Venango.
- From the South Branch of Towanda creek, in Bradford county, by way of the Susquehanna and Tioga turnpike, to Elmira, in the state of New York.
- From Allentown, Lehigh county, through Heidelberg township, to Mauchchunk, in Northampton county.
- New Jersey. *In New Jersey.*—From Flagtown to Somerville.
- From Trenton, by Allentown and Crosswick, to Bordentown.
- Virginia. *In Virginia.*—From Fredericksburg, by Danielsburg, Orange Springs, and River Bank, to Orange Courthouse.
- That the route from Lombardy Grove, in Mecklenburg county, do pass by Hakinton and Langley's old store, to St. Tammany, in said county.
- That the route from Richmond to King and Queen Courthouse, do pass through Walkerton and Stevensville.
- From Giles' Courthouse, by Charles Dingess's, Samuel Park's and Shoemate's, the Falls of Guyandotte, to Barbersville in Cabell county.
- From Boon's, in Montgomery, to Grayson Courthouse.
- From Hull's store, in Pendleton, to the Courthouse of Pocahontas.
- From New London, to Calland's store, in Pittsylvania, to pass through Leesville, in Campbell county.
- From Richmond, along the road called Le Pradt's, by Powhatan Courthouse, to Farmsville, instead of the route now established.
- From Richmond, by Chesterfield Courthouse, Mechanics' Inn, Colesville, Wilkinsonville, Genits Bridge, Tunstilville, Cassell's store, Amelia Courthouse, Paineville, and James Town, to Farmville, instead of the route now established.
- North Carolina. *In North Carolina.*—From Baltimore, Maryland, by water, to Norfolk, in Virginia, from thence, passing through Murfreesborough, Halifax, and direct to Tarborough; and from thence, through Stantonsburgh, and Waynesborough, to Fayetteville, in North Carolina.
- That the route from Fayetteville to Wadesborough, be so altered as to pass from Rockingham, by Snudsborough, to Wadesborough, and return by Beard's store, Allenton, Steel's mills, and Morris's Store to Fayetteville.
- From Salisbury to Lincolnton and Wilksborough, now established, do return to Salisbury by Sherrell's Ford, Lincoln county, and Mrs. Stewart's, in Iredell county.
- South Carolina. *In South Carolina.*—From Cheraw to Coburn's store, in North Carolina.
- From Spartansburg Courthouse to York, by Hancockville, Gandy's store, Hopewell, and Thompson's tan-yard.
- Georgia. *In Georgia.*—From Monticello to Covington, Newton county, then to Henry Courthouse, then to Monroe Courthouse, and thence to Monticello.
- Tennessee. *In Tennessee.*—From Columbia, by Waynesborough, in Wayne county, Hardinsville, in Hardin county, Perry Courthouse, in Perry county, Lexington, in Henderson county, Carroll Courthouse, in Carroll county, and the town of Jackson, in Madison county, to Memphis, in Shelby county.
- From Athens, formerly Mount Pleasant, in the county of McMin, by the way of Columbus, to the Spring place, on the Georgia road, in the Cherokee nation.
- Kentucky. *In Kentucky.*—From Flemingsburg to Owingsville, to go alternately by its present route and by Poplar plains, Alexander's mills, on Licking, and thence to Owingsville, instead of the route by Anderson's mills, on said river.
- From Burksville to Knoxville, in Tennessee

From Prestonsburg, in Floyd county, to the Courthouse in Pike county.

Post-roads
established.

From Perry Courthouse to Mount Pleasant, in Harlan county.

From Bowling Green to Louisville, by Woodsonville, Monfordsville, Elizabeth, and the mouth of Salt river; and that the present route from Louisville to Woodsonville be discontinued, as soon as the route now established is carried into operation.

From Hopkinsville to Eddyville, to go and return by Cadiz instead of by the Rocky Ridge [Rocky Ridge.]

In Ohio.—That the route heretofore established from Dayton direct to Troy, shall be so changed as to go by Union, in Montgomery county, and Milton, in Miami county, and then to Troy.

Ohio.

That the route from Williamsburg, the seat of justice of Clermont county, to Lebanon, in Warren county, shall be so altered as to pass through the towns of Goshen, Hopkinsville, and Deerfield.

From Lancaster, through Circleville, in Pickaway county, Washington, in Fayette county, Wilmington, in Clinton county, and Lebanon, in Warren county, to Cincinnati.

From Lebanon, in Warren county, to Hamilton, in Butler county, be continued from Indianapolis, in Indiana, to Anderson's town, by way of William Conner's, once in two weeks.

In Illinois.—From Green Courthouse, by George Cadwell's, in Morgan county, to Springfield, in Sangamo county; and from Palestine to the seat of justice in Clark county, to the seat of justice in Edgar county; and from the seat of justice in Sangamo, to Stephen Stilman's, in Fancy Grove.

Illinois.

From Shawneetown to Hamilton Courthouse.

From Harrisonville, by Converse's mill, Columbia, and Cahokia, to St. Louis, in lieu of the present route from Harrisonville to St. Louis, which is hereby discontinued.

From Carrolton, by the mouth of Apple creek, Ross' settlement in Pike county, in Illinois, to Louisianaville, in Missouri, and from Coles' Grove, in Pike county, to Carrolton; and the route from Alton to Louisianaville is hereby discontinued.

In Alabama.—From Claiborne, by the Tensaw, to Blakely.

Alabama.

From Tuscaloosa to Columbus, by Pickins' Courthouse, in lieu of the present route, which is hereby discontinued.

From Greensborough, by Erie, through what is called the Forks of the Tombigbee and Black Warrior rivers, by the Garden spot, to the Courthouse of Pickens' county.

From Cahaba to Greensborough.

From St. Steven's, by the way of Fort Stoddart, to Mobile.

From Fort Dale, by Emmett's store, in Butler county, to Cahaba.

From Hartford, in the state of Georgia, by Early Courthouse, Attawa's store, in Henry county, Alabama, Pike and Covington Courthouses, to Sparta, and that the route heretofore established, from Fort Hawkins, by Fort Ganes [Gaines] to Conicu Courthouse, to be discontinued.

In Missouri.—From St. Louis, to Boonville, by Winchester, Ninian Hamilton's, in the western parts of St. Louis county; Newport, the seat of justice from [for] Franklin county; Gasgonade, the seat of justice of Gasgonade county, the city of Jefferson, the seat of government of the state; and Marion, the seat of justice from [for] Cole county.

Missouri.

In Michigan Territory.—From Detroit, by Pontiac, to the Military post at Saganaw.

Michigan.

In the Floridas.—From Pensacola, Preolata, on the river St. John's, to St. Augustine, the most convenient and practicable route in the discretion of the Postmaster General.

Florida.

SEC. 3. *And be it further enacted,* That all waters on which steamboats regularly pass from port to port, shall be considered and established

Steamboat
routes consid-

ered as post-roads.

as post-roads, subject to the provisions contained in the several acts regulating the Post-office establishment.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Expired.]

CHAP. XXXIV.—*An Act to continue in force the act, entitled "An act to provide for reports of decisions of the Supreme Court," passed the third day of March, one thousand eight hundred and seventeen.* (a)

Compensation to reporter of Supreme Court decisions.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the reporter who shall, from time to time, be appointed by the Supreme Court of the United States, to report its decisions, shall be entitled to receive, from the treasury of the United States, as an annual compensation for his services, the sum of one thousand dollars; *Provided, nevertheless,* The said compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of said court, made during the time he shall act as such reporter, within nine months after such decisions shall be made; and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States; which copies shall be distributed as follows, to wit: to the President of the United States, the judges of the Supreme Court, the judges of the district courts, the Attorney General of the United States, the Secretaries of State, Treasury, War, and Navy, the comptrollers of the treasury, and the judges of the several territories of the United States, one copy each; five copies for the use of each House of Congress; and the residue of the copies shall be deposited in the library of Congress.

Proviso.

Distribution of reports.

Copies, in case of decease, to be delivered to successors in office.

Act to continue three years.

SEC. 2. *And be it further enacted,* That in case of the death, resignation, or dismissal from office, of either of the officers before mentioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered over to, their successors in said offices.

SEC. 3. *And be it further enacted,* That this act shall be, and continue, in force for three years, and no longer.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XXXV.—*An Act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the twenty-second day of February, one thousand eight hundred and nineteen.* (b)

Judges of the superior courts of Florida to adjust the claims under the ninth article of the Florida treaty.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the judges of the superior courts established at St. Augustine and Pensacola, in the territory of Florida, respectively, shall be, and they are hereby, authorized and directed to receive and adjust all claims, arising within their respective jurisdictions, of the inhabitants of said territory, or their representatives, agreeably to the provisions of the ninth article of the treaty with Spain, by which the said territory was ceded to the United States.

Decision with evidence to be reported to the Secretary of the Treasury.

SEC. 2. *And be it further enacted,* That, in all cases in which said judges shall decide in favour of the claimants, the decisions, with the evidence on which they are founded, shall be, by the said judges, reported to the Secretary of the Treasury, who, on being satisfied that the same is just and equitable, within the provisions of the said treaty, shall pay the amount thereof to the person or persons in whose favour the same is adjudged, out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

(a) For the acts relating to the reports of the decisions of the Supreme Court of the United States, see ante, p. 376.

(b) See notes to the act of May 3, 1822, ch. 129, for the decisions of the courts of the United States on Florida land titles.

CHAP. XXXVI.—*An Act to amend the ordinance and acts of Congress for the government of the territory of Michigan, and for other purposes.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all citizens of the United States, having the qualifications prescribed by the act, entitled "An act authorizing the election of a delegate from the Michigan territory to the Congress of the United States, and extending the right of suffrage to the citizens of said territory," approved February the sixteenth, eighteen hundred and nineteen, shall be entitled to vote at any public election in the said territory, and shall be eligible to any office therein.

SEC. 2. *And be it further enacted,* That the same powers which were granted to the governor, legislative council, and House of Representatives, of the North-western territory, by the ordinance of Congress, passed on the thirteenth day of July, seventeen hundred and eighty-seven, and which powers are transferred to the territory of Michigan by the act, entitled "An act to divide the Indiana territory into two separate governments," approved January the eleventh, eighteen hundred and five, are hereby conferred upon, and shall be exercised by the governor and a legislative council: which council shall consist of nine persons, any five of whom shall be a quorum, and who shall serve for the term of two years, and be appointed as follows, to wit: At the next election of the delegate to Congress from the said territory, after the passing of this act, the qualified electors shall choose, by ballot, eighteen persons, having the qualifications of electors; and such election shall be conducted, certified, and the result declared, agreeably to the territorial law prescribing the mode of electing such delegate. But the time and manner of electing the members of the legislative council shall, after the first election, be prescribed by the legislature of the said territory; and the names of the eighteen persons, having the greatest number of votes, shall be transmitted by the governor of the said territory, to the President of the United States, who shall nominate, and, by and with the advice and consent of the Senate, appoint therefrom, the said legislative council; and vacancies occurring in the said council shall be filled in the same manner, from the list transmitted as aforesaid: And the President shall have power, in the recess of the Senate, to make the appointments authorized by this act; but all appointments, so made, shall be submitted to the Senate at their next session, for confirmation. The first legislative council shall be assembled at such time and place as the governor shall, by proclamation, designate. No session, in any one year, shall exceed the term of sixty days, nor shall any act passed by the governor and the legislative council be valid, after the same shall have been disapproved by Congress. The members of the legislative council shall receive two dollars each, per day, during their attendance at the sessions thereof, and two dollars for every twenty miles in going to, and returning therefrom, in full compensation for their services, and which shall be paid by the United States: *Provided,* That nothing herein contained shall be construed to affect the right of the citizens of said territory to elect a delegate to Congress; and the duties required of the governor [governor] and judges by the act referred to in the first section of this act, shall be performed by the governor [governor] and legislative council.

SEC. 3. *And be it further enacted,* That the powers and duties of the judges of the said territory shall be regulated by such laws as are, or may be, in force therein; and the said judges shall possess a chancery, as well as common law, jurisdiction. The tenure of office of the said judges shall be limited to four years: and on the first day of February,

STATUTE II.
March 3, 1823.

[Obsolete.]

Citizens qualified by the act of February 16, 1819, ch. 22, entitled to vote, and eligible to any office, in the territory of Michigan.

Powers of the governor and legislative council of Michigan.

Vol. i. 51.
Act of Jan. 11, 1805, ch. 6.

Council to consist of nine persons.

Mode of election.

Session of the legislative council not to exceed sixty days.

Compensation.

Proviso.

Powers of the judges.

Judges to hold office for four years.

(a) See notes to the act of February 16, 1819, ch. 22, for the acts relative to the territory of Michigan.

Proviso.

one thousand eight hundred and twenty-four, and every four years thereafter, the office of each of the said judges shall become vacant: *Provided*, That nothing in this act contained shall be so construed as to deprive the judges of the territory of the jurisdiction conferred upon them by the laws of the United States.

Legislature empowered to submit the question for a general assembly.

Organization, &c. of a general assembly.

SEC. 4. *And be it further enacted*, That the legislature shall have power to submit, at any time, to the people of the said territory, the question, whether a general assembly shall be organized agreeably to the provisions of the ordinance aforesaid; and, if a majority of the qualified electors shall be in favour of such organization, then the powers vested by this act in the legislative council shall cease and determine, and a general assembly shall be organized, in conformity with the said ordinance, subject to the following provision: The governor [governor] of the said territory shall divide the same into five districts, and the qualified voters in each district shall elect one member of the legislative council, which shall possess the same powers heretofore granted to the legislative council of the North-western territory; and the members of the council shall hold their offices four years; and until there shall be five thousand free white male inhabitants, of twenty-one years and upwards, in said territory, the whole number of Representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor [governor] to the several counties in the said territory, agreeably to the number of free white males above the age of twenty-one years, which they may contain: but after the organization of the general assembly, the apportionment of the representation shall be made by such assembly: *Provided*, That there shall not be more than twelve, nor less than seven, of the whole number of representatives, until there shall be six thousand free white male inhabitants, above the age of twenty-one years; after which, the number of representatives shall be regulated agreeably to the ordinance aforesaid.

Proviso.

Powers of the governor.

SEC. 5. *And be it further enacted*, That the governor [governor] of the said territory shall have power to grant pardons for offences against the laws of the said territory, and reprieves for those against the United States, until the decision of the President thereon [thereon] shall be made known.

Laws of the United States inconsistent with this act repealed as to Michigan.

There shall be only one clerk of the Supreme Court.

SEC. 6. *And be it further enacted*, That, so much of the ordinance aforesaid, and laws of the United States, as are inconsistent with the provisions of this act, be, and the same are hereby, as respects the territory of Michigan, repealed.

SEC. 7. *And be it further enacted*, That from and after the first day of June next, there shall be but one clerk of the supreme court of the territory of Michigan, who shall perform all the duties of clerk of said court, whether sitting as a circuit and district court, or as judges of the territorial court.

Officers of the treasury to settle the accounts of John J. Deming.

SEC. 8. *And be it further enacted*, That the accounting officers of the treasury shall settle and adjust the accounts of John J. Deming, making him a reasonable allowance for his services as clerk of said district and circuit court, up to the first day of June next, and that the same be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 1, 1823.

Accounting officers of the

CHAP. XXXVII.—*An Act in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in the settlement of accounts of persons remaining charged, on the books of the third auditor

(a) An act to provide for the prompt settlement of public accounts, March 3, 1817, ch. 45.

An act providing for the better organization of the Treasury Department, May 15, 1820, ch. 107. See notes to act of May 15, 1820, ch. 107.

of the treasury, with public moneys, advanced prior to the first day of July, one thousand eight hundred and fifteen, the proper accounting officers be, and they are hereby, authorized to admit, to the credit of such persons, respectively, the amount of any expenditures made by them, which were, at the time, authorized by law, or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved to the satisfaction of the said accounting officers; and if the evidence exhibited, in lieu thereof, shall be the best the nature of the several cases will admit of, and such as will be received in courts of justice: *Provided, nevertheless,* That the credits to be allowed shall, in no case, exceed, in amount, the sums with which such persons, respectively, shall be charged on the books of the said third auditor.

treasury to admit expenditures in certain cases, and under certain restrictions.

Proviso.

SEC. 2. *And be it further enacted,* That whenever, in the settlement of the accounts before mentioned, a difference of opinion shall arise between the accounting officers, as to the extent of the credits to be allowed, under, or by virtue of, this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said secretary, to cause to be communicated to Congress, at the commencement of each session, a statement comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditure, and upon evidence other than such as had been prescribed by the laws and regulations existing before the passage of this act.

In a difference of opinion, the case shall be referred to the Secretary of War.

SEC. 3. *And be it further enacted,* That if any person shall swear or affirm falsely, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury. (a)

Any person swearing falsely, shall suffer as for wilful and corrupt perjury.

APPROVED, March 1, 1823.

STATUTE II.

CHAP. XXXVIII.—*An Act for the punishment of frauds committed on the government of the United States.*

March 3, 1823.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, if any person or per-

Persons guilty of certain frauds

(a) Indictment for false swearing under the third section of the act of Congress of March 1, 1823, which declares, that "any person who shall swear or affirm falsely, touching the expenditure of public money, or in support of any claim against the United States, shall suffer as for wilful and corrupt perjury." The indictment charged the false swearing to be an affidavit made before a justice of the peace of Kentucky in support of a claim against the United States, under the act of July 5, 1832, ch. 173, to provide for liquidating and paying certain claims of the state of Virginia. By the Supreme Court—There is no statute of the United States which expressly authorizes any justice of the peace of the state, or any officer of the national government to administer an oath in support of any claim against the United States under the act of 1823. *The United States v. Bailey*, 9 Peters, 238.

The Secretary of the Treasury, in order to carry into effect the authority given to him, to liquidate and pay the claims referred to in the act of 1832, had established a regulation authorizing affidavits made before any justice of the peace of a state, to be received and considered in proof of claims under the act. By implication, he possessed the power to make such a regulation, and to allow such affidavits in proof of claims under the act of 1832. It was incidental to his duty and authority in settling claims under the act. When the oath is taken before a state or national magistrate, authorized to administer oaths in pursuance of any regulations prescribed by the Treasury Department, or in conformity with the practice of the Treasury Department, so that the affidavit would be admissible evidence at the Department in support of any claim against the United States, and the party swears falsely, the case is within the purview of the act of 1823. *Ibid.*

If a state magistrate shall administer an oath, under an act of Congress expressly giving him the power to do so, it would be a lawful oath, before one having competent authority, and as much so as if he had been specially appointed a commissioner under a law of the United States for that purpose, and such an oath, administered under such circumstances, would be within the purview of the act of 1823. *Ibid.*

The act of 1823 does not create or punish the crime of perjury, technically considered. But it creates a new and substantial offence of false swearing, and punishes it in the same manner as perjury. The oath, therefore, need not be administered in a judicial proceeding, or in a case in which the state magistrate, under the state laws, had jurisdiction, so as to make the false swearing perjury. It would be sufficient, that it might be lawfully administered by the magistrate, and was not in violation of his official duty. *Ibid.*

on the govern-
ment of the
United States
to be consider-
ed guilty of
felony.

To be punish-
ed by imprison-
ment.

Persons know-
ingly having
fraudulent pa-
pers, &c. to be
fined and im-
prisoned.

The courts
of the several
states not to be
deprived of
jurisdiction
over the offences
punishable by
this law.

sons shall falsely make, alter, forge, or counterfeit; or cause or procure to be falsely made, altered, forged, or counterfeited; or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person or persons, either directly or indirectly, to obtain or receive, from the United States, or any of their officers or agents, any sum or sums of money; or shall utter, or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, as aforesaid, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, every such person shall be deemed and adjudged guilty of felony; and being thereof duly convicted, shall be sentenced to be imprisoned, and kept at hard labour, for a period not less than one year, nor more than ten years; or shall be imprisoned, not exceeding five years, and fined not exceeding one thousand dollars.

SEC. 2. *And be it further enacted*, That if any person or persons shall knowingly have in his, her, or their, possession, any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling any person or persons, either directly or indirectly, to obtain or receive from the United States, or any of its officers or agents, any sum or sums of money, knowing the same to be false, altered, forged, or counterfeited, as aforesaid, with intent to defraud the United States, every such person, upon being thereof duly convicted, shall be fined and imprisoned at the discretion of the court, according to the nature and aggravation of the offence: *Provided, nevertheless*, That nothing herein contained shall be construed to deprive the courts of the several states of jurisdiction, under the laws thereof, over offences declared punishable by this law.

APPROVED, March 3, 1823.

STATUTE II.

March 1, 1823.

Act of April
11, 1818, ch. 47.

Two years
allowed to offi-
cers and sol-
diers of the
Virginia line for
obtaining war-
rants.

Provisions of
the act of
March 3, 1807,
ch. 31, revived.

CHAP. XXXIX. — *An Act extending the time for locating Virginia military land warrants, and returning surveys thereon to the general land office.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the officers and soldiers of the Virginia line, on the continental establishment, their heirs or assigns, entitled to bounty lands within the country reserved by the state of Virginia, between the little Miami and Scioto rivers, shall be allowed a further time of two years, from the fourth day of January, one thousand eight hundred and twenty-three, to obtain warrants, and to complete their locations; and the further time of four years, from the fourth day of January, one thousand eight hundred and twenty-three, to return their surveys and warrants, or certified copies of warrants, to the general land office, to obtain patents.

SEC. 2. *And be it further enacted*, That the provisions of the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution-warrants," passed the third day of March, one thousand eight hundred and seven, shall be revived, and in force, with all its restrictions, except that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act, for the location and

return of surveys on other warrants; and that the surveys shall be returned to the general land office: *Provided*, That no locations, as aforesaid, in virtue of this or the preceding section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent, which may nevertheless be obtained for land located contrary to the provisions of this act, shall be considered null and void.

SEC. 3. *And be it further enacted*, That no holder of any warrant which has been, or may be, located, shall be permitted to withdraw or remove the same, and locate it on any other land, except in cases of eviction, in consequence of a legal judgment first obtained, or unless it be found to interfere with a prior location and survey; nor shall any lands heretofore sold by the United States, within the boundaries of said reservation, be subject to location by the holder of any such unlocated warrant.

APPROVED, March 1, 1823.

Proviso.

Holders of warrants not permitted to remove location.

STATUTE II.

CHAP. XL.—*An Act granting to the state of Alabama the right of pre-emption to certain quarter sections of land.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the state of Alabama, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter section of land, in, or near, the centre of each of the counties of Marengo, Perry, and Decatur, of the state aforesaid, in trust for said counties, respectively, for the establishment of seats of justice therein: *Provided*, That the proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county for which it is located, after deducting therefrom the amount originally paid for the same: *And provided further*, That the seat of justice for said counties, respectively, shall be fixed and continued on the lands so located and selected.

Alabama allowed the right of pre-emption of lands for seats of justice.

Proviso.

Proviso.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. XLI.—*An Act altering the time of holding the circuit court in the districts of Maine (a) and New Hampshire. (b)*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the terms of the circuit court, which are now directed by law to be holden annually in the district of Maine, at Portland, on the eighth day of May; and at Wiscasset, on the eighth day of October: and in the district of New Hampshire, at Ports-

Days of holding the terms of the circuit court of Maine and New Hampshire changed.

(a) *Circuit courts in Maine:*

An act for altering the times and places of holding the circuit courts therein mentioned, and for other purposes, Act of March 3, 1801, ch. 32, sec. 1.

An act to repeal certain acts respecting the organization of the courts of the United States, and for other purposes, March 8, 1802, ch. 8.

An act establishing a circuit court within and for the district of Maine, March 30, 1820, ch. 25.

(b) *Circuit courts in New Hampshire:*

An act providing compensation for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes, March 3, 1791, ch. 22, sec. 2.

An act altering the time of holding the circuit courts in certain districts of the United States, and for other purposes, April 3, 1792, ch. 21, sec. 2.

An act to alter the times and places of holding the circuit courts in the eastern district and in North Carolina, and for other purposes, March 2, 1793, ch. 23.

An act concerning the circuit courts of the United States, March 3, 1797, ch. 27.

An act for altering the times and places of holding the circuit courts therein mentioned, and for other purposes, Act of March 3, 1801, ch. 32, sec. 1.

An act to repeal certain acts respecting the organization of the courts of the United States, and for other purposes, March 8, 1802, ch. 8.

An act to alter the times of holding the circuit court in the first district, March 26, 1812, ch. 45.

mouth, on the first day of May; and at Exeter, on the first day of October, shall hereafter be holden at Portland, on the first day of May; at Wiscasset, on the first day of October; at Portsmouth, on the eighth day of May; and at Exeter, on the eighth day of October, in said districts, in each year; and when either of said days shall be Sunday, the session of said court shall commence on the day next following; and all causes, suits, actions, process, pleadings, and proceedings, of every description, existing or depending in the circuit court, in the districts aforesaid, shall be returnable to, and proceeded with, in due form of law, at the times conformable to the alterations herein provided for.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823. CHAP. XLII.—*An Act supplementary to "An act for the better organization of the courts of the United States within the state of New York."*

Act of April 3, 1818, ch. 32.

An appeal to be from the northern district court of New York, to the circuit court in the southern district.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from final decrees or judgments, in the district court of the northern district of the state of New York, there shall be an appeal to the circuit court in the southern district of said state, in the same manner, and upon the same terms, as from other district courts to their respective circuit courts.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823. CHAP. XLIII.—*An Act further to prolong the continuance of the mint at Philadelphia.*

[Expired.]

Act of March 3, 1801, ch. 21, concerning the mint, revived for five years.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act, entitled "An act concerning the mint," approved March the third, one thousand eight hundred and one, is hereby revived and continued in force and operation for the further term of five years, from the fourth day of March next.

Duty of commissioner of loans to be performed by the collector of Philadelphia.

SEC. 2. *And be it further enacted,* That, during the continuance of the mint at the city of Philadelphia, the duties which were enjoined on the commissioner of loans for the state of Pennsylvania, by the second section of the act, entitled "An act concerning the mint," passed on the third day of March, one thousand eight hundred and one, shall be performed by the collector of the port of Philadelphia for the time being.

Expense of materials used in refining, and other deductions, to be made from the deposit, and accounted for to treasury of the United States.

SEC. 3. *And be it further enacted,* That when any silver, brought to the mint for coinage, shall require refining, the expense of the materials used in the process shall be deducted from the amount of the deposit; and that, when silver so deposited, shall be of a quality superior to that of the legal standard of the silver coins of the United States, a deduction shall be made from the amount, equal to the expense of the copper necessary to reduce it to the said standard; and that all such deductions be regularly accounted for, by the treasurer of the mint, to the treasury of the United States.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823. CHAP. XLIV.—*An Act for the better organization of the district court of the United States within the state of Louisiana. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for the more conve-

(a) District courts of Louisiana.

An act for the admission of the state of Louisiana into the Union, and to extend the laws of the United States to the said state, April 8, 1812, ch. 50.

nient transaction of business in the courts of the United States within the state of Louisiana, the said state shall be, and the same is hereby, divided into two districts, in manner following, to wit: The counties of Attakapas, Opelousas, Rapide, Natchitoches, and Ouachita, shall compose one district, to be called the western district of Louisiana; and all the remaining part of the said state shall compose another district, to be called the eastern district of Louisiana; and all criminal actions, or civil suits, which have arisen in the western district, together with all process, writs, recognisances, and records, belonging thereto, shall be transferred to the western district; and there shall be, annually, only three stated sessions of the district court for the eastern district, to be held at New Orleans, on the third Mondays of November, February, and May; and there shall be, annually, one stated session of the said court in the western district of the state, to be held at Opelousas Courthouse, to commence on the third Monday of August; and the district judge of the United States, for the state of Louisiana, is hereby authorized and required to hold special sessions of the said court, in the said western district, for the trial of criminal or civil causes, whenever he may deem it expedient: That all process, writs, and recognisances, of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time, or times, previous to the next stated meeting of the district court: That all business depending for trial at any special court shall, at the close thereof, be considered as of course removed to the next stated term of the district court: the said judge shall appoint a clerk of the said court in the western district, who shall reside, and keep the records of the court, at the place where the sessions of the court are held, and shall receive for the services performed by him, the same fees and compensation that are allowed to the clerk of the said court of the eastern district of the state, and shall be subject, in every respect, to the same responsibilities.

SEC. 2. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate of the United States, be, and hereby is, authorized to appoint one person as marshal, and one as district attorney, for the said western judicial district of the United States within the state of Louisiana, created by this act, and that the terms of appointment and service, together with the duties and responsibilities of the said marshal and district attorney, respectively, for the district aforesaid, be, in all respects, the same within their said district as the terms of appointment and services, the duties and responsibilities, of the marshal and district attorney, respectively, of the eastern district of the state of Louisiana; and said marshal shall receive such fees and emoluments as are received by the marshal of the United States for the state of Louisiana; and said attorney an annual compensation of two hundred dollars, and the same fees and emoluments as are allowed to the attorney of the United States, for the eastern district of Louisiana.

APPROVED, March 3, 1823.

State of Louisiana divided into two districts, the western and eastern.

Three stated sessions to be held annually for the eastern district at New Orleans, and one for the western at Opelousas Courthouse.

Judge to appoint a clerk for the western district court.

President to appoint a marshal and district attorney for the western district.

An act for the better organization of the district court of the United States within the state of Louisiana, March 3, 1823, ch. 44.

An act to change the time of holding the district court of the United States for the eastern district of Louisiana, March 3, 1825, ch. 80.

An act to alter the time of holding the district court of the United States for the western district of Louisiana, May 22, 1832, ch. 92.

An act for changing the terms of the district court for the western district of Louisiana, June 30, 1834, ch. 173.

An act respecting the jurisdiction of certain district courts, Feb. 19, 1831, ch. 28.

STATUTE II.

March 3, 1823.

CHAP. XLV.—*An Act to alter the times of holding the district court of the United States for the district of Vermont.*(a)

Time of holding the district court of Vermont altered.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the district court of the United States for the district of Vermont, shall be hereafter holden on the sixth day of October, and on the twenty-fourth day of May, in each year, instead of the tenth day of October, and twenty-seventh day of May, as is now required by law: *Provided,* That if either of the days prescribed by this act for holding said court, shall be a Sunday, then the said court shall commence and be holden on the following day.

Proviso.

Causes to be proceeded in as if no alteration had been made.

SEC. 2. *And be it further enacted,* That all proceedings of a civil or criminal nature, now pending in, or returnable to, said court, shall be proceeded in by the said court, in the same manner as if no alteration of the time for holding said court had taken place.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XLVI.—*An Act extending the time for issuing and locating military land warrants to officers and soldiers of the revolutionary army.*

[Expired.]

Time of issuing and locating military land warrants to revolutionary officers and soldiers extended.

1819, ch. 41.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time limited by the second section of the act, approved on the twenty-fourth day of February, one thousand eight hundred and nineteen, for issuing military land warrants to the officers and soldiers of the revolutionary army, shall be extended to the fourth day of March, one thousand eight hundred and twenty-five; and the time for locating the unlocated warrants shall be extended to the first day of October thereafter.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. XLVII.—*An Act to extend the time allowed for the redemption of land sold for direct tax in certain cases.* (b)

[Expired.]

Time for redemption of lands sold for direct tax revived and extended for two years.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time allowed for the redemption of lands, which have been, or may be, sold for the non-payment of taxes, under the several acts, passed the second day of August, one thousand eight hundred and thirteen, the ninth day of January, one thousand eight hundred and fifteen, and the fifth day of March, one thousand eight hundred and sixteen, for laying and collecting a direct tax, within the United States, so far as the same have been purchased for, or on behalf of, the United States, be revived and extended for the further term of two years, from and after the expiration of the present session of Congress: *Provided,* That on such redemption, interest shall be paid, at the rate of twenty per centum per annum on the taxes aforesaid, and on the additions of twenty per centum chargeable thereon; and the right of redemption shall enure, as well to the heirs and assignees of the lands so purchased on behalf of the United States as to the original owners thereof.

APPROVED, March 3, 1823.

(a) See act of March 22, 1816, ch. 31, for notes of the acts relating to the circuit and district courts of Vermont.

(b) Act of August 2, 1813, ch. 37.

Act of January 9, 1815, ch. 21.

Act of March 5, 1816, ch. 24.

CHAP. XLVIII.—*An Act vesting in the state of Virginia the right of the United States to all fines assessed for non-performance of militia duty, during the late war with Great Britain, within said state.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all right which the United States have to the fines assessed upon the citizens of the state of Virginia, for the non-performance of militia duty during the late war with Great Britain, shall be, and the same is hereby, vested in the said state.

SEC. 2. *And be it further enacted, That all moneys in the hands of those who now are, or heretofore have been, marshals, or deputy marshals, which may have been collected from the fines aforesaid, after deducting the expense of collecting the same, and the cost of any suit or suits which may have been brought against said marshals or deputy marshals, in consequence of the collection of said fines, shall be paid by them, respectively, to the treasurer of said state.*

SEC. 3. *And be it further enacted, That the said fines shall be recovered, by the said state, under such regulations, provisions, and restrictions, as shall be prescribed by the legislature thereof: Provided, That if the provisions of this act are accepted by the state of Virginia, that state shall indemnify the United States against any charge or charges which has already accrued, or which may hereafter be made, in consequence of the assessment and collection of said fines.*

APPROVED, March 3, 1823.

STATUTE II.
March 3, 1823.

Right of the United States to militia fines in Virginia vested in that state.

Moneys that are or have been collected to be paid to treasurer of the state.

Fines to be recovered by the state as prescribed by the legislature.
Provido.

CHAP. XLIX.—*An Act for the erection of a monument over the tomb of Elbridge Gerry, late Vice President of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the superintendent of the public buildings be, and he hereby is directed to cause to be erected, in the burial ground of the city of Washington, a neat and appropriate monument over the tomb of Elbridge Gerry, late Vice President of the United States, who died at Washington, November twenty-third, one thousand eight hundred and fourteen, with a suitable inscription on the same, stating the name, station, age, and time of death, of the deceased.

SEC. 2. *And be it further enacted, That a sum, not exceeding one thousand dollars, be, and the same is hereby, appropriated for the payment of the cost thereof, from any money in the treasury, not otherwise appropriated.*

APPROVED, March 3, 1823.

STATUTE II.
March 3, 1823.

Superintendent of the public buildings to erect a monument over the tomb of Elbridge Gerry.

Appropriation therefor.

CHAP. L.—*An Act to continue in force an act, entitled "An act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces," passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, so far as the same relates to the crowns of France and five franc pieces.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the act, entitled "An act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five franc pieces," passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, as relates to the

STATUTE II.
March 3, 1823.
[Expired.]

Act of April 29, 1816, ch. 139.
Act of March 3, 1823, ch. 52.
Act of April 29, 1816, regulating currency,

to be in force for four years, as regards French crowns and five franc pieces.

crowns of France and five franc pieces, shall be, and the same hereby is, continued in force, for the further term of four years, from and after the fourth day of March next.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

Instalments due on certain lots in Shawneetown remitted.

CHAP. LI.—*An Act to authorize the Secretary of the Treasury to remit the instalments due on certain lots in Shawneetown, in the state of Illinois.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the instalments due, and to become due, on lots numbered eleven hundred and thirteen and eleven hundred and fourteen, in Shawneetown, in the state of Illinois, and a patent or patents shall issue for the same, as in other cases; which said lots are used as a public square.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

The President to designate a place for an additional land office in the territory of Michigan.

CHAP. LII.—*An Act to establish an additional land office in the territory of Michigan. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the public lands in the district of Detroit, lying south of the boundary line between the third and fourth townships, south of the base line, except so much thereof as lies north of the river Huron, of Lake Erie, and all the public lands in the territory of Michigan, to which the Indian title was extinguished by the treaty of Chicago, shall be formed into a new land district; and, for the sale of the public lands within the district hereby constituted, there shall be a land office established, at such place within the district as the President of the United States may designate.

President to appoint a register and receiver.

SEC. 2. *And be it further enacted,* That there shall be a register of the land office, and a receiver of public moneys, appointed by the President of the United States, for the land office hereby created, to superintend the sales of public lands within said district, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, and duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their office, as are, or may be, by law provided in relation to the registers and receivers of public moneys in the several offices established for the sale of public lands.

Provisions of the act of March 3, 1819, made applicable to this office. 1819, ch. 92.

SEC. 3. *And be it further enacted,* That the provisions of the third and fifth sections of the act, entitled "An act to designate the boundaries of districts, and establish land offices, for the disposal of the public lands, not heretofore offered for sale, in the states of Ohio and Indiana," approved March the third, one thousand eight hundred and nineteen, be, and the same are hereby, made applicable to the district and office hereby created, so far as they are not changed by subsequent laws of the United States: *Provided,* That all such public lands, embraced within the district created by this act, which shall have been offered for sale to the highest bidder, at Detroit, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale by the register of the land office hereby created, in the same manner, and subject to the same terms, and upon like conditions, as the sales of said lands would have been subjected to in the land office at Detroit had they remained attached to that office.

Proviso.

SEC. 4. *And be it further enacted*, That this act shall take effect, and be in force from and after the first day of May next ensuing the passage thereof.

Act to take effect 1st May next.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. LIII.—*An Act making the gold coins of Great Britain, France, Portugal, and Spain, receivable in payments on account of public lands.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, the following gold coins shall be received in all payments on account of public lands, at the several and respective rates following, and not otherwise, viz: the gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains, or eighty-eight cents and eight-ninths per pennyweight: the gold coins of France, of their present standard, at the rate of one hundred cents for every twenty-seven and a half grains, or eighty-seven and a quarter cents per pennyweight: and the gold coins of Spain of their present standard, at the rate of one hundred cents for every twenty-eight and a half grains, or eighty-four cents per pennyweight.

Act of March 3, 1823, ch. 50.
Gold coins of Great Britain, Portugal, France, and Spain, to be received in payment on account of lands.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause assays of the foregoing coins to be made at the mint of the United States, at least once in every year; and to make report of the result thereof to Congress.

Secretary of the Treasury to cause assays to be made annually at the mint.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. LIV.—*An Act for clearing, repairing, and improving, certain roads for the purpose of facilitating the transportation of the United States' Mail.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is, authorized to cause to be cleared, repaired, and improved, the United States' mail road, from Nashville in the state of Tennessee, to New Orleans, in the state of Louisiana: *Provided*, He shall not expend more than seven thousand nine hundred and twenty dollars, in clearing, repairing, and improving, the same, and that the said sum shall be expended on that part of the road which may lie within [the] territory occupied by the Indians, and to which their title has not yet been extinguished.

President to cause certain mail-roads to be cleared, repaired, and improved.

Proviso.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. LV.—*An Act respecting stamps.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, whenever any person or persons shall pay to the Secretary of the Treasury, the duty chargeable by the act, entitled "An act to establish a general stamp office," passed on the twenty-third day of April, in the year one thousand eight hundred, on any deed, instrument, or writing, on which the said stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain a certificate thereof, from the Secretary of the Treasury, such deed, instrument, or writing, shall be, to all intents and purposes, as valid and available, as if the same had been, or

[Expired.]
April 23, 1800, ch. 31.

Deeds, &c. not stamped by act of April 23, 1800, on payment of the duty and ten dollars, rendered valid as if stamped.

were, stamped, counter stamped, or marked, as by said law required; any thing in any act to the contrary notwithstanding.

Act to continue in force for one year.

SEC. 2. *And be it further enacted*, That this act shall be, and continue, in force for the term of one year from the passage thereof, and no longer.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

Secretary of the Treasury empowered to contract for building lighthouses, &c. on certain sites and shoals.

CHAP. LVI.—*An Act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he hereby is, empowered to provide by contract, for building lighthouses, and light vessels, erecting beacons, and placing buoys, on the following sites or shoals, to wit: A lighthouse on Baker's Island, near Mount Desert, in the state of Maine; one on Monamoy Point, in the state of Massachusetts; a lighthouse on Goat Island, in the state of Rhode Island; a light vessel, not to be under two hundred and fifty tons, on Cape Hatteras, in North Carolina; a lighthouse on Cape Romain, in the state of South Carolina; a lighthouse at or near the entrance of the harbour of Pensacola, for that part of the territory known as West Florida; a light-house near Fort Gratiot, in Michigan territory; a beacon on Hadrell's Point, in the state of South Carolina; two light vessels to be placed in the Bay of Delaware, the one at or near the Brandywine Shoal, and the other at or near the shoal called the Upper Middle; and also, to agree for the salaries, wages, or hire, of the persons to be appointed by the President of the United States, for the superintendence of the same: *Provided*, That no moneys shall be expended in erecting such lighthouses, until the jurisdiction to such portions of land as the President of the United States shall select as the sites of the same, respectively, shall be ceded to, and the property thereof vested in, the United States.

Proviso.

Appropriations.

1822, ch. 119.

SEC. 2. *And be it further enacted*, That there be appropriated out of any money in the treasury not otherwise appropriated, the following sums of money, to wit: For building the lighthouse on Baker's Island, two thousand five hundred dollars; for one on Monamoy Point, three thousand dollars; for one on Goat island, two thousand five hundred dollars; for an additional sum to complete the light vessel authorized to be built, by an act, entitled "An act to authorize the building lighthouses therein mentioned, and for other purposes," passed the seventh day of May, one thousand eight hundred and twenty-two, for the state of New York, five thousand dollars; for an additional sum to complete the lighthouse on Oldfield Point, in the same state, one thousand five hundred dollars; for an additional sum to complete a tower for the light on Fort Niagara, in the same state, one thousand five hundred dollars; for placing a lantern at Fort Delaware, in the river Delaware, one thousand five hundred dollars; for completing the lighthouse on Cape May, in the state of New Jersey, a sum not exceeding five thousand seven hundred and fifty dollars; for placing a light vessel at or near Cape Hatteras shoals, a sum not exceeding twenty-five thousand dollars; for building a lighthouse on Cape Romain, ten thousand dollars; for erecting a beacon on Hadrell's Point, one thousand five hundred dollars; for finishing the lighthouse near St. Augustine, in the territory of East Florida, the sum of five thousand dollars; for building a lighthouse at or near Pensacola, a sum not exceeding six thousand dollars; for building a lighthouse at Fort Gratiot, three thousand five hundred dollars, and for building and placing two light vessels in Delaware Bay, twenty thousand dollars.

SEC. 3. *And be it further enacted*, That the President of the United

States be, and he is hereby, authorized to cause such an examination and survey to be made of the obstruction between the harbour of Gloucester and the harbour of Squam, in the state of Massachusetts, as may be requisite to ascertain the expediency of removing such obstruction; and the President is hereby authorized to cause such obstruction to be removed, by contract or otherwise, under the direction of the collector of the district of Gloucester, if, from the report of persons he may appoint to examine and survey the same, he shall deem it expedient; and a sum, not exceeding six thousand dollars, is hereby appropriated for that purpose, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That the sum of one hundred and fifty dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated, to enable the President of the United States, to cause the entrance of the harbour of the Port of Presque Isle, in Pennsylvania, to be examined and surveyed by one of the Topographical Engineers of the United States, whose duty it shall be to make a probable estimate of the expense of removing the obstructions, and report on the best manner of removing them, and the effect of such removal on the channel in future.

APPROVED, March 3, 1823.

President to cause an examination and survey to be made of the obstruction between the harbour of Gloucester, and that of Squam, in Mass.

Appropriation.

Appropriation for examination and survey of Port Presque Isle.

CHAP. LVII.—*An Act further to extend the provisions of the act, entitled "An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the first July, one thousand eight hundred and twenty,'"*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all persons who shall produce satisfactory evidence to the register and receiver of the proper land office, that they were actually entitled to, and would have availed themselves of, the provisions of the act, entitled "An act supplementary to the act, entitled 'An act for the relief of the purchasers of the public lands prior to the first day of July, one thousand eight hundred and twenty,'" approved April twentieth, one thousand eight hundred and twenty-two, and their failure to do so was owing to such cause or circumstance as he [they] could not control or prevent, shall be allowed until the thirtieth day of September next, to avail themselves of all the privileges, advantages and provisions, of the said act, in the same manner they could have done prior to the thirtieth day of September last.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Expired.]

The act of April 20, 1822, ch. 30, for the relief of the purchasers of public lands, extended to 30th Sept. next.

CHAP. LVIII.—*An Act to amend an act, entitled "And [An] act further to regulate the entry of merchandise imported into the United States from any adjacent territory."*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, every master or other person having charge of a vessel, boat, canoe, or raft, or the conductor or driver of any carriage, or sleigh, or other person bringing merchandise, from any foreign territory adjacent to the United States, who shall neglect or refuse to deliver a manifest, as is required in and by the act, entitled "An act further to regulate the entry of merchandise imported into the United States from any adjacent territory," passed the second day of March, one thousand eight hundred and twenty-one, shall be subject to pay, instead of the penalty of four hundred dollars imposed by the first section of said act, four times the value of the merchandise so imported.

SEC. 2. *And be it further enacted,* That if any person or persons

STATUTE II.

March 3, 1823.

Penalty of the act of March 2, 1821, ch. 14, for regulating the entry of merchandise from any foreign territory, altered.

Persons receiving, &c. goods illegally imported and liable to seizure, to forfeit double the amount.

Persons forcibly resisting, &c. an officer of the customs, to be fined.

Provisions of the 46th section of the act of March 2, 1799, ch. 22, sec. 46, extended.

Penalties to be sued for, &c. Act of March 2, 1799, ch. 22, sec. 89.

shall receive, conceal, or buy, any goods, wares, or merchandise, knowing them to have been illegally imported into the United States, and liable to seizure by virtue of any act in relation to the revenue, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, or merchandise, so received, concealed, or purchased.

SEC. 3. *And be it further enacted*, That if any person shall forcibly resist, prevent, or impede, any officer of the customs or their deputies, or any person assisting them in the execution of their duty, such person, so offending, shall, for every such offence, be fined a sum not exceeding four hundred dollars.

SEC. 4. *And be it further enacted*, That the provisions of the forty-sixth section of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, Anno Domini one thousand seven hundred and ninety-nine, be, and they are hereby, extended to the case of goods, wares, and merchandise, imported into the United States from an adjacent territory.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, Anno Domini one thousand seven hundred and ninety-nine.

APPROVED, March 3, 1823.

STATUTE II.

March 1, 1823.

CHAP. LIX.—*An Act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war.*

Act of March 11, 1818, ch. 19. Secretary of War authorized to restore to the list such pensioners as have or shall be struck off by the act of May 1, 1820, ch. 53, upon certain conditions.

A judge may attend at the dwelling of such person as shall be unable to attend in court to make his schedule.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to restore to the list of pensioners the name of any person who may have been, or hereafter shall be stricken therefrom, in pursuance of the act of Congress, passed the first day of May, one thousand eight hundred and twenty, entitled "An act in addition to an act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war,'" passed the eighteenth day of March, one thousand eight hundred and eighteen, if such person, so stricken from the list of pensioners, has heretofore furnished, or hereafter shall furnish, evidence, in pursuance of the provisions of said act, to satisfy the Secretary of War that he is in such indigent circumstances as to be unable to support himself without the assistance of his country, and that he has not disposed of or transferred his property, or any portion thereof, with a view to obtain a pension.

SEC. 2. *And be it further enacted*, That, when any person, coming within the provisions of the acts to which this is supplementary, shall, by reason of bodily infirmity, be unable to attend in court to make his schedule, and furnish the evidence by said acts required, it shall be lawful for any judge or justice of a court of record in the district, city, county, or borough, in which such person resides, to attend at his place of abode and receive his schedule, and oath or affirmation, and said judge or justice shall certify that said applicant was, from bodily infirmity, unable to attend such court; which schedule, and oath or affirmation, and certificate, shall, by said judge or justice, be produced in the court of which he is judge; and the opinion of said court, of the value of the property contained in said schedule, shall be entered thereon, and certified by the clerk of said court; and such schedule shall be valid for all the purposes contemplated by the acts aforesaid.

SEC. 3. *And be it further enacted*, That no pension hereafter to be allowed on claims or schedules heretofore filed under the act or acts to which this act is a supplement, or under the provisions of this act, shall commence before the passage thereof; and all other pensions hereafter to be allowed under the acts aforesaid, shall commence from the time of completing the proof.

APPROVED, March 1, 1823.

No pension to commence previous to the passing of this act, &c.

STATUTE II.

March 3, 1823.

CHAP. LX.—*An Act supplementary to the act, entitled "An act to designate the boundaries of districts, and establish land offices for the disposal of the public lands, not heretofore offered for sale, in the states of Ohio and Indiana."*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the lands ceded and relinquished to the United States, by the Wea tribe of Indians, under the first article of the treaty held at Vincennes, on the eleventh [eleventh] day of August, eighteen hundred and twenty, and which is specified and designated by the second article of the treaty between the United States and the said tribe, concluded at St. Mary's, on the second day of October, eighteen hundred and eighteen, be, and the same is hereby, attached to the Terre Haute district for the sale of public lands in the state of Indiana.

1819, ch. 92.
Lands ceded by the Wea Indians to be attached to the Terre Haute district.

SEC. 2. *And be it further enacted*, That all the public lands specified, designated, and embraced, within the first and second article of the treaties aforesaid, which have not been granted to, or secured for, the use of any individual or individuals, or appropriated and reserved for any other purpose, by any existing treaties or laws, and, with the exception of section numbered sixteen, in each township, which shall be reserved for the support of schools therein, shall be offered for sale to the highest bidder, at the land office in the Terre Haute district, under the direction of the register of the land office and receiver of public moneys, on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose. The lands shall be sold in tracts of the same size, on the same terms and conditions, and, every respect, as provided by the act, entitled "An act making further provision for the sale of the public lands," approved April twenty-fourth, eighteen hundred and twenty.

Lands to be sold at the land office of the Terre Haute district, on such day or days as shall be designated by the President.

Act of April 24, 1820, ch. 51.

SEC. 3. *And be it further enacted*, That the register of the land office and the receiver of public moneys shall, each, receive five dollars for each day's attendance in superintending the public sales of the land before described, according to the President's proclamation.

Register and receiver to receive five dollars a day each.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXI.—*An Act making appropriations for certain fortifications of the United States for the year one thousand eight hundred and twenty-three, and for other purposes.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, appropriated, to wit:

Specific appropriations for fortifications.

For fortifications, to each specifically, as follows, viz:

For Fort Delaware, fifty-eight thousand dollars:

For Fort Washington, forty-six thousand dollars:

For Fort Monroe, one hundred thousand dollars:

For Fort Calhoun, eighty thousand dollars:

For collecting materials for a fortification at Mobile Point, in the state of Alabama, fifty thousand dollars:

- Appropriations. For the Rigolets, and Chief [Chef] Menteur, one hundred thousand dollars:
- For collecting materials for, and progressing with, a fort on the right bank of the Mississippi, opposite Fort St. Philip, forty thousand dollars:
- For repairing Fort Jackson, in the harbour of Savannah, eight thousand dollars:
- For contingencies and repairs of fortifications, twenty-six thousand dollars:
- For the purchase of small arms for arming the whole body of the militia, in addition to the annual appropriation of the year one thousand eight hundred and twenty-three for arming the militia, twenty thousand dollars:
- For completing the barracks and other public buildings, at Baton Rouge, twenty-nine thousand one hundred seventy-eight dollars seventy-seven cents.
- APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Obsolete.]
Specific appropriations for the public buildings.

CHAP. LXII.—*An Act making appropriations for the public buildings.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to wit:

For improving the grounds around the Capitol, one thousand dollars:

For making the necessary alteration in the Representatives' Hall, for the accommodation of the eighteenth Congress, the sum of one thousand two hundred dollars:

For finishing the south portico to the President's house, the sum of nineteen thousand dollars.

For an allegorical ornament for a clock for the use of the Senate, two thousand dollars.

To be paid from the treasury.

SEC. 2. *And be it further enacted,* That said several sums of money be paid out of any moneys in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

Postmaster General to pay certain balances.

Act of May 15, 1820, ch. 133.

To pay for repairs from the contingent fund.

CHAP. LXIII.—*An Act to authorize the Postmaster General to pay for certain repairs to the general post-office, and keep the engine house, the fire engine, and apparatus, in repair.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Postmaster General be authorized to pay, out of the moneys arising from the postages of letters and packets, the sum of two hundred and fifty dollars and fifty-two cents, being a balance due for repairs to the general post-office, and for procuring a fire engine, under the provisions of the act of the seventeenth [fifteenth] of May, eighteen hundred and twenty.

SEC. 2. *And be it further enacted,* That the Postmaster General shall be authorized, out of the contingent fund of said department, to defray such expenses as may be necessary for keeping in repair the engine-house, the fire engine, and hose apparatus, belonging to said department.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

[Obsolete.]

Officers of the treasury to set-

CHAP. LXIV.—*An Act to enable the proper accounting officers of the Treasury Department to audit and settle the accounts of the surveyor of public lands in the states of Illinois and Missouri, and territory of Arkansas, for extra clerk hire in his office.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper accounting

officers of the treasury shall be, and are hereby, authorized and required to audit and settle the accounts of the surveyor of public lands in the states of Illinois and Missouri, and territory of Arkansas, for extra clerk hire in his office, for surveying executed before the first day of January, one thousand eight hundred and twenty-three, and for which provision was not made by an allowance of mileage on the surveys of the public lands, under the act of the Congress of the United States, of the third day of April, one thousand eight hundred and eighteen, and make him an allowance therefor, not exceeding the rate of clerk hire now allowed by law in the offices of the other surveyors general, proportioned to the quantity of work done in each; and the amount, so allowed, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

the accounts of the surveyor of Illinois, Missouri, and Arkansas, for extra clerk hire.

Act of April 3, 1818, ch. 26.

STATUTE II.

March 3, 1823.

CHAP. LXV.—*An Act providing for the accommodation of the circuit court of the United States for Washington county, in the District of Columbia, and for the preservation of the records of said court.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause to be purchased, and completely finished, in the City Hall, now building in the city of Washington, permanent and suitable apartments for holding the sessions of the circuit court of the United States, for the county of Washington, in the District of Columbia, for the use of the grand and petit juries of the said county, for the offices of the clerk of the said court and the marshal of the said district, and for the preservation and security of the books, papers, and records, of the said court, provided that the said purchase can be made upon reasonable terms, and not exceeding the sum hereinafter appropriated. And for effecting the object of this act, the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury, not otherwise appropriated.

Circuit court of Washington county in the District of Columbia, to be accommodated with apartments in the City Hall.

Appropriation.

SEC. 2. *And be it further enacted,* That the appropriation hereinbefore made shall be expended under the superintendence of the commissioner of the public buildings, in such manner as shall be directed by the President of the United States.

To be expended under the superintendence of the commissioner of public buildings.

SEC. 3. *And be it further enacted,* That, so soon as the said apartments shall have been provided, the said circuit court, and the said clerk's and marshal's offices, with all the books, papers, and records, thereunto belonging, shall be removed thereto; and no allowance of money for the rent of apartments for the use of the said court and offices shall thenceforth, or thereafter, be made out of the treasury of the United States.

When apartments are finished, court to be removed, and no allowance admitted afterwards for rent.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXVI.—*An Act to establish an additional land office in the state of Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the public lands of the United States, as lies west of the range line dividing the twenty-third and twenty-fourth tiers of townships west of the fifth principal meridian, in the present Howard land district, in the state of Missouri, shall form a land district for the disposal of the said lands, to be called the western district; and a land office shall be established at Lexington, in the county of Lillard, for the disposal thereof.

A new land district to be formed, to be called the western district, for which a land office is to be established.

SEC. 2. *And be it further enacted,* That there shall be a register and

A register and

receiver to be appointed.

receiver appointed to the said office, to superintend the sales of the public lands in the said district, who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands to be disposed of at their offices, as are, or may be, by law, provided in relation to the registers and receivers of public moneys in the several offices established for the sale of the public lands.

From 1st April next there shall be a new township line between the townships No. 37 and 38.

SEC. 3. *And be it further enacted*, That, from and after the first day of April next, the division line between the St. Louis and the Jackson land districts, in the state of Missouri, shall be the township line between the townships number thirty-seven and thirty-eight; any thing in the former acts, creating land districts in the state of Missouri, to the contrary notwithstanding.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXVII.—*An Act to authorize the purchase of a number of copies of the sixth volume of the laws of the United States.*

The Secretary of State authorized to subscribe for 550 copies of the 6th volume of the laws of the United States. Distribution.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary for the Department of State be, and he is hereby, authorized and directed to subscribe for, and receive, for the use and disposal of Congress, five hundred and fifty copies of the sixth volume of the laws of the United States, published by Davis and Force, of the city of Washington, and cause to be distributed one copy thereof to the President of the United States, one copy to the Vice President of the United States, one copy to each of the heads of departments, to the attorney general of the United States, to each of the senators and representatives, and to each delegate of territories of the seventeenth Congress; fifteen copies to the secretary of the Senate, for the use of the Senate, and thirty copies to the clerk of the House of Representatives, for the use of that House; one copy to each branch of the legislature of each state and territory, and one copy to each of the executives of the several states and territories; and cause the residue to be deposited in the library of Congress.

Appropriation.

SEC. 2. *And be it further enacted*, That, for the purpose aforesaid, the sum of two thousand two hundred dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXVIII.—*An Act to confirm certain claims to lots [lots] in the village of Peoria, in the state of Illinois.*

Certain claims to lots in the village of Peoria confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there is hereby granted, to each of the French and Canadian inhabitants and other settlers in the village of Peoria, in the state of Illinois, whose claims are contained in a report made by the register of the land office at Edwardsville, in pursuance of the act of Congress, approved May the fifteenth, one thousand eight hundred and twenty, and who had settled a lot in the village aforesaid, prior to the first day of January, one thousand eight hundred and thirteen, and who have not heretofore received a confirmation of claims, or donation of any tract of land or village lot from the United States, the lot so settled upon and improved, where the same shall not exceed two acres, and where the same shall exceed two acres, every such

Act of May 15, 1820, ch. 117.

claimant shall be confirmed in a quantity not exceeding ten acres: *Provided*, Nothing in this act contained shall be so construed as to affect the right, if any such there be, of any other person or persons to the said lots, or any part of them derived from the United States, or any other source whatever, or as a pledge on the part of the United [States,] to make good any deficiency occasioned by any other interfering claim or claims.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be the duty of the surveyor of the public lands of the United States for that district, to cause a survey to be made of the several lots, and to designate on a plat thereof the lot confirmed and set apart to each claimant, and forward the same to the Secretary of the Treasury, who shall cause patents to be issued in favour of such claimants, as in other cases.

The several lots to be surveyed.

APPROVED, March 3, 1823.

STATUTE II.

CHAP. LXIX.—*An Act concerning the lands to be granted to the state of Missouri, for the purposes of education, and other public uses.*

March 3, 1823.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in all cases in which section number sixteen, in any township within the state of Missouri, has been sold, or otherwise disposed of, it shall be the duty of the register and receiver of the respective land office in whose district such land may lie, so soon after the passage of this act as may be, to select the like quantity of other lands equivalent thereto, from any of the unappropriated lands of the United States in that state, including the residue of such section, where only a part of it has been disposed of, and the value of the residue is not materially diminished by such disposition, and is nearly contiguous to such sixteenth section as may be; and a descriptive entry of such selected lands shall be made on the books of the register, specifying as well the township in which, as that for the use of which, the selection shall have been made; and the lands thus selected and located, are hereby granted to the said state for the use of the inhabitants of the respective townships, for the use of schools, instead of such sixteenth sections so sold or otherwise disposed of.

Certain lands to be granted to the state of Missouri for schools.

SEC. 2. *And be it further enacted*, That, in all cases in which the general assembly of the state of Missouri has selected, or shall hereafter select, a salt spring, for the use of the state, according to the provisions of an act of Congress of the sixth of March, one thousand eight hundred and twenty, and the six sections of unappropriated lands cannot be found adjoining to such spring, agreeably to the provisions of said act, the deficiency shall be supplied by the selection of other sections equivalent thereto, and not farther distant than six miles therefrom, of unappropriated lands of the United States in that state, and as nearly adjoining to such spring as may be, shall be subject to the selection of the legislature of the state for the use thereof; and such sections, when so selected and located, are hereby granted according to the provisions of said act: and authenticated copies of the selections made by the register and receiver, under the provisions of this act, shall be furnished the state, and returns transmitted to the Secretary of the Treasury, of the selections now made, and of those to be made, immediately after such selections shall have been made, either by the register and receiver, or by the legislature of the State.

Certain lands granted to salt springs.

Act of March 6, 1820, ch. 22.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

CHAP. LXX.—*An Act supplementary to "An act relating to the ransom of American captives of the late war."*

March 1, 1817, ch. 29. Provisions of the act of March 1, 1817, respecting the ransom of American captives, extended.

Proviso.

Proviso.

Accounting officer authorized to adjust and settle accounts for clothing furnished.

Proviso.

Sums to be paid out of the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act, entitled "An act relating to the ransom of American captives of the late war," passed the first day of March, one thousand eight hundred and seventeen, be so construed as to embrace within its provisions all officers, soldiers, and persons, attached to, and followers of, the army of the United States, who were captured and made prisoners by the enemy, and who were ransomed during the late war with Great Britain; and that the proper accounting officer of the War Department be, and he is hereby, authorized and required to adjust and settle the accounts of any person, his assigns or his legal representatives, who may have purchased and ransomed from captivity any citizen, officer, soldier, or other person aforesaid, upon equitable principles: *Provided,* The evidence produced in support of such accounts shall be the best in the power of the claimant, and sufficient to satisfy the accounting officer of the justice of the claim; *Provided also,* That in no case shall a greater sum than one hundred and fifty dollars be allowed for the ransom of any one person.

SEC. 2. *And be it further enacted,* That it shall be the duty of such accounting officer, and he is hereby authorized and required, to adjust and settle the accounts of any person, his assigns, or his legal representatives, who shall have furnished proper and necessary articles of clothing to, and for the use of, any citizen, officer, soldier, or other person, purchased and ransomed from captivity during the late war with Great Britain, aforesaid: *Provided,* It shall be satisfactorily proved, and made to appear, to such accounting officer, that the apparel and clothing so furnished were necessary, at the time, to the safety, support, and comfort, of the person ransomed; and that the articles charged were applied to the clothing of such prisoners, and to no other purpose whatever.

SEC. 3. *And be it further enacted,* That all sums of money to be audited and allowed under this act, and the act to which this is an amendment, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 3, 1823.

President authorized to employ an engineer to examine a site for a national armory on the western waters.

Appropriation.

CHAP. LXXI.—*An Act to establish a national armory on the western waters.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby authorized to employ a skilful engineer or officer of the ordnance department, with such other person or persons as he may judge proper, to examine the most suitable site for a national armory on the western waters; and that the said engineer, and such other person or persons be requested to report the result of their examinations to Congress at the commencement of its next session, particularly designating the sites by them examined, with the comparative advantages of each, and an estimate showing the amount necessary for purchasing each, and erecting all necessary buildings thereon.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, to effect the object of this act.

APPROVED, March 3, 1823.

CHAP. LXXII.—*An Act respecting the punishment of piracy.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, the district courts of the United States, in districts where no circuit courts are holden, shall have cognisance of all cases arising under an act of Congress, approved May fifteenth, one thousand eight hundred and twenty, entitled "An act to continue in force an act to protect the commerce of the United States, and punish the crime of piracy; and, also, to make further provisions for punishing the crime of piracy," and shall have the same power and jurisdiction therein, as the circuit courts of the United States, under the same act.

APPROVED, March 3, 1823.

STATUTE II.
March 3, 1823.

May 15, 1820.
ch. 113.
District courts
to take cogni-
sance of piracy.

RESOLUTIONS.

I. RESOLUTION *requiring from the secretary of the Senate and clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses.*

March 1, 1823.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the secretary of the Senate and the clerk of the House of Representatives be, and they are hereby, required to lay before the two Houses, respectively, at the commencement of each session of Congress, a table or statement showing the names and compensation of the clerks employed in their respective offices, and the names and compensation of the messengers of the respective Houses; together with the detailed statement of the items of expenditure of the contingent fund of the respective Houses for the next immediately preceding year; in which statement the disbursements shall be arranged under the following heads, to wit: first, printing; second stationery, and distinguishing under this head the articles furnished for the use of the members, from those furnished for the offices of the secretary and clerk, and specifying the number of reams of each kind of paper; third, book-binding; fourth, fuel; fifth, newspapers, specifying under this head the amount of orders given at the preceding session, as well as the payments made; sixth, the post-offices; seventh, the repairs and preservation of the furniture; eighth, services of messengers and horses; ninth, miscellaneous items not included under the preceding heads. Which statements shall exhibit, also, the several sums drawn by the said secretary and clerk, respectively, from the treasury, and the balances, if any, remaining in their hands.

Secretary of
the Senate and
clerk of the
House of Rep-
resentatives re-
quired to fur-
nish a detailed
statement of
their expendi-
tures under dif-
ferent heads.

APPROVED, March 1, 1823.

II. RESOLUTION *to direct the withholding of the compensation of certain prize agents.*

March 3, 1823.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of July, next ensuing, no prize agent who has not accounted for the prize moneys with which he has heretofore been intrusted for the benefit of the officers and crews of any public armed vessel or vessels of the United States, shall receive from the treasury of the United States any salary or compensation to which he may be entitled, until he shall have accounted for, or repaid into the treasury, all sums so intrusted to him for disbursement.

Compensation
to be withheld
from certain
prize agents.

APPROVED, March 3, 1823.

APPENDIX I.

March 17, 1827.

8. *Respecting Commerce with the British Colonial Ports.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

1823, ch. 22.

Whereas, by the sixth section of an Act of Congress, entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," which was approved on the first day of March, in the year of our Lord one thousand eight hundred and twenty-three, it is enacted, "that this act, unless repealed, altered or amended, by Congress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of the vessels of the United States, conformably to the provisions of the British act of Parliament, of the twenty-fourth of June last, being the forty-fourth chapter of the acts of the third year of George the Fourth: but if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in Council, or by act of Parliament, then, from the day of the date of such order in Council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British Colonial ports, in British vessels, shall cease to operate in their favour; and each and every provision of the 'Act concerning navigation,' approved on the eighteenth of April, one thousand eight hundred and eighteen, and of the act supplementary thereto, approved on the fifteenth of May, one thousand eight hundred and twenty, shall revive and be in full force:"

1818, ch. 70.

1820, ch. 122.

And whereas, by an act of the British Parliament, which passed on the fifth day of July, in the year of our Lord one thousand eight hundred and twenty-five, entitled "An act to repeal the several laws relating to the customs," the said act of Parliament of the twenty-fourth of June, one thousand eight hundred and twenty-two, was repealed; and by another act of the British Parliament, passed on the fifth day of July, in the year of our Lord one thousand eight hundred and twenty-five, in the sixth year of the reign of George the Fourth, entitled "An Act to regulate the trade of the British possessions abroad," and by an order of His Britannic Majesty in Council, bearing date the twenty-seventh of July, one thousand eight hundred and twenty-six, the trade and intercourse authorized by the aforesaid act of Parliament, of the twenty-fourth of June, one thousand eight hundred and twenty-two, between the United States and the greater part of the said British Colonial ports therein enumerated, have been prohibited upon and from the first day of December last past, and the contingency has thereby arisen on which the President of the United States was authorized by the sixth section aforesaid of the act of Congress of first March, one thousand eight hundred and twenty-three, to issue a proclamation to the effect therein mentioned:

1823, ch. 22.

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that the trade and intercourse authorized by the said act of Parliament of the twenty-fourth of June, one thousand eight hundred and twenty-two, between the United States and the British Colonial ports enumerated in the aforesaid act of Congress of the first of March, one thousand eight hundred and twenty-three, have been, and are, upon and from the first day of December, one thousand eight hundred and twenty-six, by the aforesaid two several acts of Parliament of the fifth of July, one thousand eight hundred and twenty-five, and by the aforesaid British order in Council of the twenty-seventh day of July, one thousand eight hundred and twenty-six, prohibited.

Given under my hand, at the City of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and twenty-seven, and the fifty-first year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President.

H. CLAY,

Secretary of State.

APPENDIX I.

the exportation thereof to certain ports of the United States, have been and are discontinued :

Proclamation,
&c.
Restrictions
cease.

Now, therefore, I, James Monroe, President of the United States of America, do, by this my proclamation, declare that fact, and that the restrictions imposed by the said act of Congress do, from the date hereof, cease, and are discontinued, in relation to his Britannic majesty's said province of Nova Scotia.

Given under my hand, at the City of Washington, this twenty-third day of April, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-second year of the independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,

Secretary of State.

July 4, 1818.

2. *Respecting Trade in Plaster of Paris with New Brunswick.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

The Regulations, in the Province of New Brunswick, prohibiting the exportation of plaster of Paris to certain ports of the U. States, discontinued.
1817, ch. 39.

Whereas it appears, by a proclamation of the lieutenant governor of his Britannic majesty's province of New Brunswick, bearing date the tenth day of April last, and officially communicated by his envoy extraordinary and minister plenipotentiary, residing in the United States, to this government, that the regulations on the subject of the trade in plaster of Paris, prohibiting the exportation thereof to certain ports of the United States, which were in force in the said province at the time of the enactment of the Act of the Congress of the United States, entitled "An Act to regulate the trade in plaster of Paris," passed on the third day of March, one thousand eight hundred and seventeen, have been and are discontinued :

The Restrictions imposed by the Act of Congress cease.

Now, therefore, I, James Monroe, President of the United States, do hereby declare that fact, and that the restrictions imposed by the said act of Congress shall, from the date hereof, cease and be discontinued in relation to the said province of New Brunswick.

Given under my hand, at the City of Washington, this fourth day of July, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,

Secretary of State.

July 24, 1818.

3. *Respecting Commerce with Bremen.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

1815, ch. 77.

Whereas, by an Act of the Congress of the United States, of the third of March, one thousand eight hundred and fifteen, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished :

The President satisfied that Bremen has abolished discriminating duties

And whereas satisfactory proof has been received by me, from the Burgomasters and Senators of the Free and Hanseatic City of Bremen, that, from and after the twelfth day of May, one thousand eight hundred and fifteen, all

APPENDIX I.

discriminating or countervailing duties of the said city, so far as they operated to the disadvantage of the United States, have been and are abolished :

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between vessels of the Free and Hanseatic city of Bremen and vessels of the United States, and between goods imported into the United States in vessels of Bremen and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said Free Hanseatic city of Bremen.

Declares the discriminating duty with respect to Bremen repealed.

Given under my hand, at the City of Washington, this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and eighteen, and the forty-third year of the independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,
Secretary of State.

4. *Respecting Commerce with Hamburg.*

August 1, 1818.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, by an Act of the Congress of the United States of the third of March, one thousand eight hundred and fifteen, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect, in favor of any foreign nation, whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished :

1815, ch. 77.

And whereas satisfactory proof has been received by me, from the Burgomasters and Senators of the Free and Hanseatic City of Hamburg, that, from and after the thirteenth day of November, one thousand eight hundred and fifteen, all discriminating or countervailing duties of the said city, so far as they operated to the disadvantage of the United States, have been, and are, abolished :

The President satisfied that Hamburg has abolished discriminating duties.

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between vessels of the Free and Hanseatic City of Hamburg and vessels of the United States, and between goods imported into the United States in vessels of Hamburg and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said Free Hanseatic City of Hamburg.

Declares the discriminating duty, with respect to Hamburg, repealed.

Given under my hand, at the City of Washington, this first day of August, in the year of our Lord one thousand eight hundred and eighteen, and the forty-third year of the Independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,
Secretary of State.

APPENDIX I.

May 4, 1820.

5. *Respecting Commerce with Lubeck.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

1815, ch. 77.

Whereas, by an Act of the Congress of the United States, of the third of March, one thousand eight hundred and fifteen, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation, whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished:

The President satisfied that Lubeck has abolished discriminating duties.

Declares the discriminating duty, with respect to Lubeck, repealed.

And whereas satisfactory proof has been received by me, from the Burgomasters and Senate of the Free and Hanseatic City of Lubeck, that from and after the thirtieth day of October, one thousand eight hundred and nineteen, all discriminating or countervailing duties of the said city, so far as they operated to the disadvantage of the United States, have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between vessels of the Free and Hanseatic City of Lubeck and vessels of the United States, and between goods imported into the United States in vessels of Lubeck and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said Free Hanseatic City of Lubeck.

Given under my hand, at the City of Washington, this fourth day of May, in the year of our Lord one thousand eight hundred and twenty, and forty-fourth year of the Independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,

Secretary of State.

Aug. 20, 1821.

6. *Respecting Commerce with Norway.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

1815, ch. 77.

Whereas, by an Act of the Congress of the United States, of the third of March, one thousand eight hundred and fifteen, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished:

The President satisfied that discriminating duties in the Kingdom of Norway have been abolished.

And whereas satisfactory proof has been received by me, through the *Chargé d'Affaires* of the United States in Sweden, under date of the thirtieth day of January, one thousand eight hundred and twenty-one, that thenceforward all discriminating or countervailing duties in the Kingdom of Norway, so far as

APPENDIX I.

they operated to the disadvantage of the United States, had been and were abolished.

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between vessels of the Kingdom of Norway and vessels of the United States, and between goods imported into the United States in vessels of the said Kingdom of Norway and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said Kingdom of Norway.

Declares the discriminating duty, with respect to Norway, repealed.

Given under my hand, at the City of Washington, this twentieth day of August, in the year of our Lord one thousand eight hundred and twenty-one, and the forty-sixth year of the Independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,
Secretary of State.

7. *Respecting Commerce with Oldenburg.*

Nov. 22, 1821.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, by an Act of the Congress of the United States, of the third of March, one thousand eight hundred and fifteen, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished:

1815, ch. 77.

And whereas satisfactory proof has been received by me, under date of the eleventh of May last, that thenceforward all discriminating or countervailing duties of the Dukedom of Oldenburg, so far as they might operate to the disadvantage of the United States, should be, and were, abolished, upon his Highness the Duke of Oldenburg's being duly certified of a reciprocal act on the part of the United States:

The President satisfied that Oldenburg has abolished discriminating duties.

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposed a discriminating duty of tonnage between vessels of the Dukedom of Oldenburg and vessels of the United States, and between goods imported into the United States in vessels of the said Dukedom of Oldenburg and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said Dukedom of Oldenburg.

Declares the discriminating duty, with respect to Oldenburg, repealed.

Given under my hand, at the City of Washington, this twenty-second day of November, in the year of our Lord one thousand eight hundred and twenty-one, and the forty-sixth year of the Independence of the United States.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,
Secretary of State.

APPENDIX I.

Proclamations issued by the President under the acts of March 3, 1815, ch. 7, and March 3, 1817, ch. 39, and March 1, 1823, ch. 22, respecting discriminating duties.

1. *Respecting Trade in Plaster of Paris with Nova Scotia.*

April 23, 1813.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, by an act of the lieutenant governor, council, and assembly, of his Britannic majesty's province of Nova Scotia, passed in the year one thousand eight hundred and sixteen, it was, among other things, enacted, that, from and after the first day of May, of that year, "no plaster of Paris, otherwise called gypsum, which should be laden or put on board any ship or vessel at any port or place within the limits of the said province, to be transported from thence to any other port or place within or without the said limits, should, directly or indirectly, be unladen or landed, or put on shore, at any port or place in the United States of America, eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American ship, vessel, boat, or shallop, of any description, at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such ship or vessel from which any such plaster of Paris, or gypsum, should be unladen contrary to the provision of the said act, together with her boats, tackle, apparel, and furniture, to be seized and prosecuted in manner thereafter mentioned: "

Reference to the Act of the Legislature of Nova Scotia, in 1816, prohibiting the landing of plaster of Paris eastward of Boston.

And whereas, by an act of the Congress of the United States passed on the third day of March, one thousand eight hundred and seventeen, it was enacted, that, from and after the fourth day of July, then next, no plaster of Paris, the production of any country, or its dependencies, from which the vessels of the United States were not permitted to bring the same article, should be imported into the United States, in any foreign vessel — and that all plaster of Paris imported, or attempted to be imported, into the United States, contrary to the true intent and meaning of the said act of Congress, and the vessel in which the same might be imported, or attempted to be imported, together with the cargo, tackle, apparel, and furniture, should be forfeited to the United States, and liable to be seized, prosecuted, and condemned, in the manner therein prescribed:

1817, ch. 39.

And whereas, by the said act of Congress, it was further enacted, that the same should continue and be in force five years from the thirty-first day of January, one thousand eight hundred and seventeen: *Provided, nevertheless,* That if any foreign nation or its dependencies, which at the time of the passage of the said act of Congress, had in force regulations on the subject of the trade in plaster of Paris, prohibiting the exportation thereof to certain ports of the United States, should discontinue such regulations, the President of the United States was thereby authorized to declare that fact by his proclamation; and the restrictions imposed by the said act of Congress should, from the date of such proclamation, cease and be discontinued in relation to the nation or its dependencies discontinuing such regulations:

The Restrictions imposed by the Act of Congress, to cease on the discontinuance of the Regulations of any foreign nation &c. upon Proclamation of the President.

And whereas an act of the lieutenant governor, council, and assembly, of his Britannic majesty's province of Nova Scotia, repealing the abovementioned act of the said province, passed in the year one thousand eight hundred and sixteen, has been officially communicated by his said majesty's envoy extraordinary and minister plenipotentiary to this government:

The Legislature of Nova Scotia has repealed its act of 1816, &c.

And whereas, by the said repealing act of the said province of Nova Scotia, one of the dependencies of the United Kingdom of Great Britain and Ireland, the regulations at the time of the passage of the said act of Congress, in force in the said province, on the subject of the trade in plaster of Paris, prohibiting

And the Regulations under it have been discontinued.

APPENDIX II.

Proclamation respecting the Admission of the State of Missouri into the Union. August 10, 1821.

BY THE PRESIDENT OF THE UNITED STATES,

A PROCLAMATION.

Whereas the Congress of the United States, by a joint resolution of the second day of March last, entitled "Resolution providing for the admission of the State of Missouri into the Union on a certain condition," did determine and declare — "That Missouri should be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: *Provided*, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the first Monday in November next, an authentic copy of said act; upon the receipt whereof, the President, by proclamation, shall announce the fact: whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete:" And whereas, by a solemn public act of the Assembly of the said State of Missouri, passed on the twenty-sixth of June, in the present year, entitled "A solemn public act declaring the assent of this State to the fundamental condition contained in a resolution passed by the Congress of the United States, providing for the admission of the State of Missouri into the Union on a certain condition," an authentic copy whereof has been communicated to me, it is solemnly and publicly enacted and declared, that that State has assented, and does assent, that the fourth clause of the twenty-sixth section of the third article of the constitution of said State "shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the constitution of the United States:" Now, therefore, I, James Monroe, President of the United States, in pursuance of the resolution of Congress aforesaid, have issued this my proclamation, announcing the fact, that the said State of Missouri has assented to the fundamental condition required by the resolution of Congress aforesaid; whereupon the admission of the said State of Missouri into this Union is declared to be complete.

In testimony whereof I have caused the Seal of the United States of America to be affixed to these Presents, and signed the same with my hand. Done at the City of Washington, the tenth day of August, 1821; and of the Independence of the said United States of America the forty-sixth.

JAMES MONROE.

By the President.

JOHN QUINCY ADAMS,

Secretary of State.

Proclamation admitting Missouri into the Union. Washington, 10th August, 1821. Ante, p. 645.

The State of Missouri has assented to the condition prescribed by Congress.

The President announces the fact.

Admission of Missouri declared complete.

APPENDIX III.

Additional Instruction to the Public and Private Armed Vessels of the United States, referred to in Act of 1813, ch. 10, § 1, ante, p. 5.

The public and private armed vessels of the United States are not to interrupt any vessels belonging to citizens of the United States coming from British ports to the United States, laden with British merchandise, in consequence of the alleged repeal of the British orders in council; but are, on the contrary, to give aid and assistance to the same; in order that such vessels and their cargoes may be dealt with, on their arrival, as may be decided by the competent authorities. — Aug. 28, 1812.