

boundary of two States, pilots licensed by either may be employed.

be lawful for the master or commander of any vessel coming into or going out of any port situate upon waters, which are the boundary between two States, to employ any pilot duly licensed or authorized by the laws of either of the States bounded on the said waters, to pilot said vessel to or from said port; any law, usage, or custom, to the contrary notwithstanding.

APPROVED, March 2, 1837.

STATUTE II.

March 2, 1837.

CHAP. XXIII.—*An Act to extend for a longer period the several acts now in force for the relief of certain insolvent debtors of the United States.*

Extended for three years.

Act of March 2, 1831, ch. 62.
Act of July 14, 1832, ch. 230.
Act of June 7, 1834, ch. 45.

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 for the relief of certain insolvent debtors of the United States," passed on the second day of March, one thousand eight hundred and thirty-one, and an act in addition thereto, passed on the fourteenth day of July, one thousand eight hundred and thirty-two, and an act to revive and amend the said acts, passed on the seventh day of June, one thousand eight hundred and thirty-four, be, and the same are hereby extended and continued in force for three years from and after the passage of this act.

Application.

SEC. 2. *And be it further enacted,* That the provisions of the said several acts shall apply to cases of insolvency which shall have accrued [occurred] on or before the first day of January last.

APPROVED, March 2, 1837.

STATUTE II.

March 2, 1837.

CHAP. XXV.—*An Act to provide for the adjustment of title and final disposition of the four reserved sections in the tract of country allotted to the Tombeckee Association for the encouragement of the cultivation of the vine and olive.*

Persons entitled to allot-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who

shoal outside of the point, among the east breakers. The gale increased to a hurricane, and forced the vessel on her beam ends, and her masts and bowsprit were cut away. The master and crew deserted her to save their lives. After various fruitless efforts to save her, the libellants, all pilots of the outer harbor of Mobile, two days after she was stranded, and while yet in great peril, succeeded; and she was brought up to the city of Mobile by them, towed by their pilot boat, assisted by a steamboat employed by them. On a libel for salvage, the district court of the United States for the district of Alabama allowed, as salvage, one-third of 15,299 dollars and 58 cents, the appraised value of the brig and cargo. The owners of the brig and cargo appealed to the supreme court. By the Court—A pilot, while acting within the strict line of his duty, however he may entitle himself to extraordinary pilotage compensation for extraordinary services, as contradistinguished from ordinary pilotage for ordinary services, cannot be entitled to claim salvage. In this respect he is not distinguished from any other officer, public or private, acting within the appropriate sphere of his duty. But a pilot, as such, is not disabled, in virtue of his office, from becoming a salvor. On the contrary, whenever he performs salvage services beyond the line of his appropriate duties, or under circumstances to which those duties do not justly attach, he stands in the same relation to the property as any other salvor: that is, with a title to compensation to the extent of the merit of his services, viewed in the light of a liberal public policy. *Hobart v. Drogan*, 10 Peters, 108.

Seamen, in the ordinary course of things, in the performance of their duties, are not allowed to become salvors, whatever may have been the perils, or hardships, or gallantry of their services, in saving the ship and cargo. Extraordinary events may occur, in which their connexion with the ship may be dissolved, de facto, or by operation of law; or they may exceed their proper duty, in which cases they may be permitted to claim as salvors. *Ibid.*

It is not within the scope of the positive duties of a pilot to go to the rescue of a wrecked vessel, and employ himself in saving her, or her cargo, when she was wholly unnavigable. That is a duty entirely distinct in its nature, and no more belonging to a pilot than it would be to supply such a vessel with masts or sails, or to employ lighters to discharge her cargo in order to float her. It is properly a salvage service, involving duties and responsibilities, for which his employment may peculiarly fit him; but yet in no sense included in the duty of navigating the ship. *Ibid.*

This was a case where the libellants acted as salvors, and not as pilots. They had, at the time, no particular relation to the distressed ship. They proffered useful services as volunteers, without any pre-existing covenant that connected them with the duty of employing themselves for her preservation. The duties they undertook were far beyond any belonging to pilots; and precisely those belonging to salvors. *Ibid.*

Suits for pilotage on the high seas, and on waters navigable from the sea, as far as the tide ebbs and flows, are within the admiralty and maritime jurisdiction of the United States. The service is strictly maritime, and falls within the principles already established by the supreme court in the case of the *Thomas Jefferson*, 10 Wheaton's Rep. 428, and *Peyroux v. Howard*, 7 Peters' Rep. 324. *Ibid.*

became entitled, under the contract entered into on the eighth day of January eighteen hundred and nineteen, by the Secretary of the Treasury, on the part of the United States, and Charles Villar, agent of the Tombebee Association, in pursuance of "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," approved third March, eighteen hundred and seventeen, to an allotment or share of the four sections of land reserved for the small allotments, and designated as sections, seven, eighteen, nineteen, and thirty in township eighteen, range three east, their heirs, devisees, or assigns, who shall have complied with the conditions of settlement and cultivation on such allotment, as required by said contract, or shall have been in the actual settlement and cultivation of his or her allotment within said four sections, or a part thereof, before or on the thirty-first day of October eighteen hundred and thirty-two, as provided by the act of the nineteenth day of February, eighteen hundred and thirty-three, shall, on producing to the register and receiver of the land district in which said lands are situated, satisfactory evidence of title to such allotment, and of settlement and cultivation on the same as aforesaid, and paying one dollar and twenty-five cents per acre for the land, receive a patent for the same: *Provided*, Such proof shall be filed and payment made within six months from the passage of this act: *And provided further*, That the expense of surveying any such allotment shall be defrayed by the person or persons claiming the same.

ments under contract by Sec. Treas. with Chas. Villar, shall receive patents on certain conditions. Act of March 3, 1817, ch. 61.

Act of Feb. 19, 1833, ch. 30.

Proviso.

Further proviso.

SEC. 2. *And be it further enacted*, That any remainder of said four sections not disposed of by the first section of this act shall be subject to entry at one dollar and twenty-five cents per acre, by the trustees of the Demopolis Female Academy, in trust for the use and benefit of said institution.

Remainder subject to entry, for use of Demopolis Female Academy.

APPROVED, March 2, 1837.

CHAP. XXX.—*An Act making appropriations for the naval service, for the year one thousand eight hundred and thirty-seven.*

STATUTE II.
March 3, 1837.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated for the naval service, for the year one thousand eight hundred and thirty-seven, in addition to the unexpended balances of former appropriations, to wit:

For pay of commissioned, warrant and petty officers, and of seamen, two million four hundred and fifty-four thousand six hundred and eighty-six dollars;

Pay of navy.

To enable the President, provided he should deem it necessary, to offer a bounty for the purpose of promoting the enlistment of seamen, seventy-two thousand dollars;

Bounty for enlistments.

For pay of superintendents, naval constructors, and all the civil establishments at the several yards, sixty-nine thousand four hundred and seventy dollars;

Pay of superintendents, &c. at yards.

For provisions, seven hundred and sixty-two thousand eight hundred and sixty-five dollars;

Provisions.

For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, one million two hundred and fifty thousand dollars;

Repairs of vessels, &c.

For medicines and surgical instruments, hospital stores, and other expenses, on account of the sick, thirty-nine thousand dollars;

Medicines and surgical instruments, &c.

For improvements and necessary repairs of the navy yard at Portsmouth, New Hampshire, forty-seven thousand seven hundred dollars;

Portsmouth navy yard.

For improvements and necessary repairs of the navy yard at Charlestown, Massachusetts, one hundred and twenty-four thousand dollars;

Charlestown navy yard.