

so formed, shall have power to nominate six persons to the President of the United States, three of whom shall be selected by him for members of the legislative council, in addition to the number which the said territory may possess, agreeably to the foregoing provisions of this section. The said legislative council and house of representatives, shall also have power to elect a delegate to Congress, who shall, in all respects, possess the same rights and immunities as other delegates from territories of the United States.

SEC. 5. *And be it further enacted,* That this act shall commence and be in force, so soon as the convention, the appointment whereof has been authorized by Congress at their present session, shall have formed a constitution and state government, for that part of the Mississippi territory lying west of the territory herein described; of which act of convention the governor of the Mississippi, for the time being, shall give immediate notice to the President of the United States, who shall thereupon forthwith proceed to the execution of the powers vested in him by the second section of this act; but in case said convention shall fail to form a constitution and state government, as aforesaid, then this act shall become null and void, except so far as relates to the third section thereof, which shall take effect, and be in force, from and after the passage of this act.

SEC. 6. *And be it further enacted,* That all persons who shall be in office, within the territory hereby established, when the said convention shall have formed a constitution and state government, as aforesaid, shall continue to hold and exercise their offices, in all respects as if this act had never been made; and the governor and secretary of the Mississippi territory, for the time being, shall continue to exercise the duties of their respective offices, in relation to the territory hereby established, until a governor and secretary shall be appointed therefor, in pursuance to this act.

SEC. 7. *And be it further enacted,* That all judicial process in the said territory of Alabama, shall be issued, and bear test, as heretofore; nor shall any suit be discontinued, or the proceedings of any cause stayed, or in any wise affected by any thing contained in this act, or 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."

SEC. 8. *And be it further enacted,* That the town of St. Stephens shall be the seat of government for the said Alabama territory, until it shall be otherwise ordered by the legislature thereof.

SEC. 9. *And be it further enacted,* That whatever balance may remain in the treasury of the Mississippi territory, at the time when the convention authorized to form a constitution and state government, for the western part of said territory, may have formed a constitution and state government for the same, shall be divided between the new state and territory, according to the amount which may have been paid into said treasury, from the counties lying within the limits of such state and territory respectively.

APPROVED, March 3, 1817.

A delegate to Congress.

Time at which this act shall commence and be in force, &c.

Persons in office to continue, &c.

Judicial process as heretofore, &c.

Act of March 1, 1817, ch. 23.

St. Stephens the seat of government.

Balance in the treasury to be divided between the new state, and territory.

STATUTE II.

March 3, 1817.

CHAP. LX.—*An Act to amend and explain an "Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any officer, seaman, or marine, belonging to the navy of the United States, shall die, or shall have died, since the eighteenth day of June, in the year of our Lord one

Act of March 4, 1814, ch. 20. Widows, &c. of officers and men in the navy

entitled to half pay for five years, &c.

If the widow dies or marries, the half pay goes to the children.

Proviso; as to the cessation of the half pay.

The provisions of this act extended.

March 3, 1819, ch. 81.

#### STATUTE II.

March 3, 1817.

CHAP. LXI.—*An Act to set apart and dispose of certain public lands, for the encouragement of the cultivation of the vine and olive.*

Four contiguous townships, each six miles square, in the Mississippi territory, to be set apart and reserved, &c.

Act of March 3, 1815, ch. 88.

The Secretary of the Treasury to contract for the sale of the townships at two dolls. per acre, &c.

Proviso; as to the agents of French emigrants being duly authorized to form a contract, &c.

The secretary empowered to make allotment of the lands among individuals, and to stipulate for the cultivation of the vine, &c.

Proviso; no patent or title until complete payment for the whole, &c.

thousand eight hundred and twelve, in consequence of disease contracted, or of casualties or injuries received, while in the line of his duty, and which shall be satisfactorily proved to the commissioners of the navy pension fund, leaving a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the term, shall go to the child or children of the deceased: *Provided*, That such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

APPROVED, March 3, 1817.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of the Secretary of the Treasury, under the direction of the President of the United States, to designate, and set apart, any four contiguous townships, each six miles square, of vacant public lands lying in that part of the Mississippi territory which was formed into a land district, by the act, entitled "An act for the ascertaining and surveying of the boundary lines fixed by the treaty with the Creek Indians, and for other purposes," passed on the third day of March, one thousand eight hundred and fifteen; and the four townships, so designated and set apart, shall be reserved from public and private sale, any thing in the aforesaid act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to contract for the sale of the said four townships, which shall have been designated and set apart, as aforesaid, at the rate of two dollars per acre, to be made payable fourteen years after the contract shall have been concluded with any agent, or agents, of the late emigrants from France, who have associated together for the purpose of forming a settlement in the United States: *Provided*, That satisfactory evidence shall be produced that such agent, or agents, are duly authorized to form such contract, and that the number of such emigrants, being of full age, for which he or they are authorized to act, are equal at least to the number of half sections contained in the four townships proposed to be disposed of.

SEC. 3. *And be it further enacted*, That the said secretary shall have power to make such allotment of the lands among the individuals, and to stipulate, in the proposed contract, for such conditions of settlement and cultivation of the vine, and other vegetable productions, as may to him appear reasonable; and that on the fulfilment of such conditions shall the issuing of grants for the lands, be made to depend: *Provided*, That no patent shall be granted for any of the lands aforesaid, nor shall any title be obtained therefor, either at law or equity, until complete payment shall have been made for the whole four townships, and until they comply with the conditions of the contract, so to be made as aforesaid; nor shall a patent be granted for a greater quantity than six hundred and forty acres to any one person.

APPROVED, March 3, 1817.