

# ACTS OF THE TWENTY-FIFTH 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 4th day of December, 1837, and ended July 7, 1838.*

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President of the United States, and President of the Senate. JAMES K. POLK, Speaker of the House of Representatives.

### STATUTE II.

Dec. 22, 1837.

CHAP. I.—*An Act to authorize the President of the United States to cause the public vessels to cruise upon the coast in the winter season and to relieve distressed navigators.*

The President authorized to cause the public vessels to cruise upon the coast in the winter for the relief of distressed navigators.

*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 cause any suitable number of public vessels, adapted to the purpose, to cruise upon the coast, in the severe portion of the season, when the public service will allow of it, and to afford such aid to distressed navigators as their circumstances and necessities may require; and such public vessels shall go to sea prepared fully to render such assistance.

APPROVED, December 22, 1837.

### STATUTE II.

Jan. 16, 1838.

CHAP. II.—*An Act to ratify and confirm certain official acts of John Pope, late Governor of Arkansas.*

The locations, &c., of John Pope, of ten sections of land granted by Congress to Arkansas for a State-house, under authority vested in him by an act of 4th July, 1832, confirmed.

Act of July 4, 1832, ch. 172. Proviso. Further proviso.

Certain lands in the Mississippi land district, Arkansas,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the locations, sales, and transfers of John Pope, late Governor of Arkansas, of a quantity of the public land, not exceeding ten sections, (or six thousand four hundred acres,) which was granted by Congress to Arkansas to build a State-house at Little Rock, the seat of Government of Arkansas, to sundry citizens of Arkansas, in pursuance of an authority vested in him by an act of Congress of the fourth day of July, in the year eighteen hundred and thirty-two, be, and the same are hereby, ratified and confirmed: *Provided* said location, sales, and transfers, were in conformity to legal subdivisions, be those divisions fractional quarter sections or not: *And provided, also,* That the gross amount of acres of land thus located, sold, and transferred, for the purpose aforesaid, does not exceed six thousand four hundred acres; and the President of the United States is hereby authorized and directed to cause patents to issue to said purchasers, their heirs, or their legal representatives, for the late Governor's several locations, sales, and transfers, whenever the applications are properly made by said purchasers or their legal representatives.

SEC. 2. *And be it further enacted,* That the northeast and southwest quarters of section twenty-seven, township eighteen south, range one west, the southeast quarter of section twenty-eight, same township and

range, the southwest quarter of section fifteen, township nineteen south, range one west, the northwest and southeast quarters of section nine, same township and range, all in the Mississippi land district, State of Arkansas, be, and the same are hereby, excepted from the provisions of this act.

excepted from the provisions of this act.

APPROVED, January 16, 1838.

STATUTE II.

Jan. 16, 1838.

[Obsolete.]

CHAP. III.—*An Act to provide for the payment of the annuities which will become due and payable to the Great and Little Osages, in the year one thousand eight hundred and thirty-eight, 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 War shall cause to be purchased for the use of the Great and Little Osage Indians, such provisions as will in his opinion be most useful to them, to the value of eight thousand five hundred dollars, and when purchased, shall cause said provisions to be distributed among said Indians, by their agent, furnishing to each family, as near as may be, their proper proportion; *Provided always,* That such purchase and distribution shall not be made, unless said Indians agree to receive the same in discharge of the annuities due them for the year one thousand eight hundred and thirty-eight, by virtue of treaties between them and the United States.

Sec. War to cause provisions to the value of \$8500 to be purchased and distributed among the Great and Little Osage Indians.

Proviso.

SEC. 2. *And be it further enacted,* That the Secretary of War cause as many additional farmers to be employed as may, in the opinion of the President, be deemed necessary to aid and instruct said Indians in clearing and cultivating their lands, and such additional stock, implements of husbandry and seeds to be purchased for the use of said Indians, as the agent or superintendent may judge necessary; *Provided always,* That the whole expense incurred under this section, shall not exceed the sum of three thousand five hundred dollars.

Sec. War to cause additional farmers to be employed, and additional stock, &c., to be purchased.

Proviso.

SEC. 3. *And be it further enacted,* That to enable the Secretary of War to carry the provisions of this act into effect, the sum of twelve thousand dollars be, and the same is hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated.

\$12,000 appropriated to enable the Sec. War to carry this act into effect.

APPROVED, January 16, 1838.

STATUTE II.

Jan. 30, 1838.

[Obsolete.]

CHAP. IV.—*An Act making a partial appropriation for the suppression of Indian hostilities for the year eighteen hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of one million of dollars shall be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-eight; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to.

Appropriation.

To be expended under direction of Sec. War, conformably, &c.

1836, ch. 44.  
1836, ch. 254.

APPROVED, January 30, 1838.

STATUTE II.

Jan. 30, 1838.

[Obsolete.]

CHAP. V.—*An Act making an appropriation for the protection of the northern frontier 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 sum of six hundred and twenty-five thousand five hundred dollars shall be, and the same is hereby, appropriated, out of any unappropriated money in the

Appropriation.

Which sum, if required, shall be expended under the direction of the Secretary of War, conformably, &c.

1795, ch. 9.  
1836, ch. 44.

Treasury, to defray any expenses which have been or may be incurred in protecting the northern frontier of the United States, by calling out, under the direction of the President of the United States, any part of the militia or volunteers, according to the provisions of the Constitution and laws; which sum, if required, shall be expended under the direction of the Secretary of War, conformably to the provisions of the act of Congress of January second, seventeen hundred and ninety-five; of the act of April fifth, eighteen hundred and thirty-two, making appropriations for the support of the army; and of the act of March nineteenth, eighteen hundred and thirty-six, providing for the payment of volunteers and militia corps in the service of the United States.

APPROVED, January 30, 1838.

STATUTE II.  
Feb. 22, 1838.

CHAP. XII.—*An Act to abolish the Circuit Court at Huntsville in the State of Alabama and for other purposes.*

Act of March 3, 1837, ch. 34.  
Act of March 3, 1839, ch. 81.  
The Circuit Court U. S. established at Huntsville by act 3d March, 1837, abolished.

The jurisdiction which belonged to the Dist. Court U. S., of N. Dist. of Ala., at and before the passage of act 3d March, 1837, restored, &c.

All causes pending in Circuit Court to be transferred to Dist. Court, to be proceeded in, &c.

Clerk of Circuit Court to deliver to clerk of Dist. Court the original papers and records.  
Proviso.

Terms of Dist. Court to be held twice in each year.

Appeals, &c., to lie from Dist. Court to Circuit Court U. S. at Mobile.

All process, &c., returnable to Circuit Court shall be returnable to Dist. Court next held under this act, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Circuit Court of the United States, established at Huntsville in the State of Alabama, by the act of Congress of the third of March, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,'" be, and the same is hereby abolished.

SEC. 2. *And be it further enacted,* That all the jurisdiction which belonged to the District Court of the United States, for the northern district of the State of Alabama, at Huntsville, at and before the passage of the said act of Congress of the third of March, eighteen hundred and thirty-seven, be and the same is hereby restored to and vested again in the said District Court, and every act of Congress upon which the jurisdiction of the said District Court depended at and before the passage of the said act of Congress of the third of March eighteen hundred and thirty-seven, is hereby revived, so far as such act or acts gave jurisdiction as the same existed at the time aforesaid, in the said District Court.

SEC. 3. *And be it further enacted,* That all causes at law or in equity, pending in the said Circuit Court at Huntsville, shall be transferred to the said District Court at Huntsville, and shall be proceeded in and be determined by the said District Court in the same manner as if they had been originally commenced in the said District Court; and it shall be the duty of the clerk of the said Circuit Court to deliver to the clerk of the said District Court, the original papers in all such causes, together with the record of all the proceedings had in the said Circuit Court: *Provided,* That the first term for the trial of the causes hereby transferred shall be the term of the said District Court which will be commenced on the third Monday in May eighteen hundred and thirty-eight.

SEC. 4. *And be it further enacted,* That the terms of the said District Court shall be held at the said town of Huntsville, twice in each year, on the third Monday in May, and the fourth Monday in November, annually.

SEC. 5. *And be it further enacted,* That appeals and writs of error shall lie from the said District Court to the Circuit Court of the United States at Mobile, in the State of Alabama.

SEC. 6. *And be it further enacted,* That all process, bail bonds, and recognizances returnable to the Circuit Court of the United States at Huntsville aforesaid, shall be returnable and returned to the District Court, next held under this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly.

APPROVED, February 22, 1838.

CHAP. XIII.—*An Act to amend an act entitled "An act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of eighteen hundred and thirty with the Choctaw Indians."*

STATUTE II.  
Feb. 22, 1838.  
1842, ch. 187.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners provided for in the act hereby amended, or a majority of them, shall have full power and authority to adjourn their sessions to such place or places, within the State of Mississippi, as in their judgment the interest of the Government and of the claimants may require such sessions to be held.

SEC. 2. *And be it further enacted,* That in case of the death, resignation, or absence of any one of the said commissioners, the remaining two commissioners shall have full power and authority to proceed and execute the powers given by this act or the act hereby amended.

SEC. 3. *And be it further enacted,* That the said commissioners shall have all the powers of a court of record, for the purpose of compelling the attendance of witnesses, administering oaths, touching matters depending before them, preserving order, and punishing contempts; and shall have power to make all needful rules for the regulation of the proceedings before them, as well as to employ one or more interpreters, and one or more agents to collect testimony for the United States.

SEC. 4. *And be it further enacted,* That for defraying the contingent expenses of the said commission, the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 5. *And be it further enacted,* That the said act shall be and remain in force until the first day of August next.

SEC. 6. *And be it further enacted, by the authority aforesaid,* That the compensation to be made to the district attorney for his services, shall be equal to the compensation allowed to a commissioner under the act hereby amended.

SEC. 7. *And be it further enacted,* That nothing contained in this act, or the act which this is intended to amend, shall be so construed as to embrace the claim of any Indian or head of a Choctaw family, who has removed west of the Mississippi river.

SEC. 8. *And be it further enacted,* That if it shall be proved to the satisfaction of said commissioners that any claimant has attempted, or shall attempt to substitute the child of any other Indian as and for his own, or has attempted or shall attempt, by his testimony, to substitute for the child of any other claimant, the child of another Indian, the name of such claimant so attempting to make such substitution, shall be stricken from the list of claimants.

APPROVED, February 22, 1838.

Act of March 3, 1837, ch. 39.

Commissioners may adjourn their sessions to such places in Miss. as the interest of the government and claimants may require.

In case of the death, &c., of one of the commissioners, the others may act.

Commissioners to have power to compel the attendance of witnesses, &c.; also, to make rules for, &c., to employ interpreters, &c.

Appropriation.

Act continued till 1st August next.

Dist. Att'y to receive the same compensation as a commissioner.

Claims of Indians who have removed west of the Mississippi not embraced.

Any claimant attempting to substitute the child of any other Indian for his own, &c., shall be stricken from the list.

STATUTE II.  
March 2, 1838.

CHAP. XIV.—*An Act to prevent the abatement of suits and actions now pending, in which the late Bank of the United States may be a party.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no suit, action, judgment or decree, now pending and unsatisfied, in which the late Bank of the United States is a party, plaintiff or defendant, shall abate, or be discontinued or dismissed, by reason of the expiration of the two years after the expiration of the charter, limited by the twenty-first section of the act of incorporation of the said bank, for the use of the corporate name, style, and capacity of said bank, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation; but all such suits, actions, judgments and decrees,

No suit, &c., in which the late Bank of the U. S. is a party, shall abate, &c., by reason of the expiration of the two years after the expiration of the charter.



shall be allowed to proceed to final judgment, execution, satisfaction and settlement, as if the said two years had not expired.

APPROVED, March 2, 1838.

STATUTE II.  
March 2, 1838.

Spring term of the Circuit Court to commence on 18th May, and the fall term on 18th November, in each year.

Terms of Dist. Court to commence on 12th May and 12th November, in each year.

Proviso.

All proceedings, &c., to be deemed returnable on the days hereinbefore prescribed, for holding said Courts.

STATUTE II.  
March 10, 1838.  
[Expired.]

Act of April 20, 1818, ch. 88. Collectors, &c. required to seize any vessel, &c. which may be provided for any military expedition against any foreign Prince, &c. conterminous and at peace with the U. S.

CHAP. XV.—*An Act to change the time of holding the terms of the Circuit Court of the United States for the eastern district of Virginia, and of the District Court of the United States for the eastern district of Virginia, directed by law to be held in the city of Richmond. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, hereafter, the spring term of the circuit court of the United States for the eastern district of Virginia shall commence on the eighteenth day of May, and the fall term on the eighteenth of November, in each year, instead of the twenty-second of May and the twenty-second of November, as is now provided by law.

SEC. 2. *And be it further enacted,* That the terms of the district court of the United States for the eastern district of Virginia, which are now directed by law to commence on the fifteenth day of May and the fifteenth [day] of November, in each year, shall hereafter commence on the twelfth day of May and the twelfth day of November, in each year: *Provided, nevertheless,* That, whenever the day on which the terms of either of the said circuit or district court, as herein provided for, shall happen to be Sunday, then the term of said court shall commence on the following day.

SEC. 3. *And be it further enacted,* That all proceedings and process depending in or issuing out of either of the said courts, which are or may be made returnable to any other time appointed for holding the same than that above specified, shall be deemed legally returnable on the days hereinbefore prescribed, and not otherwise. And all suits and other proceedings in either of the said courts which stand continued to any other time than that above specified, shall be deemed continued to the time prescribed by this act, and no other.

APPROVED, March 2, 1838.

CHAP. XXXI.—*An Act supplementary to an act entitled "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 twentieth of April, eighteen hundred and eighteen.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several collectors, naval officers, surveyors, inspectors of customs, the marshals, and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby respectively authorized and required to seize and detain any vessel or any arms or munitions of war which may be provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State, or of any colony, district or people conterminous with the United States, and with whom they are at peace, contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and retain possession of the same until the decision of the President be had thereon, or until the same shall be released as herein-after directed.

(a) See notes of the acts relating to the District Court of Virginia, vol. 3, 479.

SEC. 2. *And be it further enacted*, That the several officers mentioned in the foregoing section shall be, and they are hereby respectively authorized and required to seize any vessel or vehicle, and all arms or munitions of war, about to pass the frontier of the United States for any place within any foreign State or colony, contiguous with the United States, where the character of the vessel or vehicle, and the quantity of arms and munitions, or other circumstances shall furnish probable cause to believe that the said vessel or vehicle, arms, or munitions of war are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privy, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people contiguous with the United States, and with whom the United States are at peace, and detain the same until the decision of the President be had for the restoration of the same, or until such property shall be discharged by the judgment of a court of competent jurisdiction: *Provided*, That nothing in this act contained shall be construed to extend to, or interfere with any trade in arms or munitions of war, conducted in vessels by sea, with any foreign port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this act, under the law of nations and the provisions of the act hereby amended.

Said officers required to seize any vessel, &c. about to pass the frontier of the U. S. for any place within a foreign state, &c. contiguous with the U. S. where there is probable cause to believe that said vessel, &c. are intended to be employed in carrying on a military expedition, &c.

Proviso.

SEC. 3. *And be it further enacted*, That it shall be the duty of the officer making any seizure under this act, to make application, with due diligence, to the district judge of the district court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized; which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this act; and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time, not exceeding ten days thereafter, the said property shall forthwith be restored to the owner. But if the said judge shall be satisfied that the seizure was justified under the provisions of this act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the President shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant, as hereinafter provided.

Officers making seizures under this act shall apply to the district judge for a warrant to justify the detention of the property seized; which warrant shall be granted on oath, &c.

SEC. 4. *And be it further enacted*, That the owner or claimant of any property seized under this act, may file his petition in the circuit or district court of the United States, in the district where such seizure was made, setting forth the facts in the case; and thereupon such court shall proceed, with all convenient despatch, after causing due notice to be given to the district attorney and officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this act: and the circuit and district courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this act; and all issues in fact arising under it, shall be decided by a jury, in the manner now provided by law.

The owner of property seized may file his petition in the circuit or dist. court U. S. in the dist. where the seizure was made.

The circuit and dist. courts invested with power to try all cases arising under this act, &c.

SEC. 5. *And be it further enacted*, That whenever the officer making any seizure under this act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained,

Whenever the officer shall have obtained a warrant for the detention of property seized, or the claimant shall not have obtained its restoration by pe-

tion, and it shall have been detained three months, the claimant may file a bond, &c.

#### Proviso.

Persons admitted to bail shall give additional security not to violate the provisions of the act hereby amended.

The President authorized to direct the judge, &c. to attend at such place within the district as he may designate, for the more speedy arrest and examination of persons charged, &c.

The President, &c. may employ the land or naval forces, &c. to prevent the violation, &c. of this act, &c.

This act limited to two years.

STATUTE II.  
March 10, 1838.  
[Obsolete.]

The following sums appropriated.

For Revolutionary pensioners.

For invalid pensioners.

For pensions to widows and orphans.

with at least two sureties, to be approved by the judge of the circuit or district court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people, contiguous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: *Provided*, That such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this act.

SEC. 6. *And be it further enacted*, That every person apprehended and committed for trial, for any offence against the act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

SEC. 7. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that the provisions of this act have been, or are likely to be violated, that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney, of such district, to attend at such place within the district, and for such time, as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

SEC. 9. *And be it further enacted*, That this act shall continue in force for the period of two years, and no longer.

APPROVED, March 10, 1838.

CHAP. XXXII.—*An Act making appropriations for the payment of the Revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty-eight.*

*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, in addition to former appropriations, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-eight:

For the Revolutionary pensioners, under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight; the seventh of June, one thousand eight hundred and thirty-two; and the fourth of July, one thousand eight hundred and thirty-six, four hundred and twenty-six thousand seven hundred and seventy-two dollars;

For the invalid pensioners, under various laws, one hundred and thirty-four thousand and seventy-five dollars and sixty-two cents;

For pensions to widows and orphans, under the act of the fourth of July, one thousand eight hundred and thirty-six, one million four hundred and ninety-two thousand six hundred and eighty-five dollars;

For half-pay pensions, payable through the office of the Third Auditor, five thousand dollars.

APPROVED, March 10, 1838.

For half-pay pensions payable through off. Third Auditor.

CHAP. XXXIII.—*An Act to change the times of holding the circuit and district courts of the United States in the seventh circuit.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the circuit and district courts of the United States shall be held in the district of Indiana, at the seat of Government in said State, on the third Mondays of May and November; at the seat of Government in the district of Illinois, on the first Mondays of June and December; in the district of Michigan, at the seat of Government in said State, on the third Monday in June and the first Monday in November; and in the district of Ohio, at the seat of Government in said State, on the first Monday of July, and the third Monday in December, and all recognizances entered into, and all mesne and final process, which have been issued, or which shall hereafter be issued, shall be returnable in the respective districts to the first term, as above established: And it shall be the duty of the circuit judge, to attend one circuit court in each year, in the districts of Indiana, Illinois, and Michigan, and should any question of law be raised, in any case, in the absence of the circuit judge, the district judge may, at his discretion, adjourn the cause to the succeeding term of the circuit court.

APPROVED, March 10, 1838.

STATUTE II.  
March 10, 1838.

1842, ch. 31.  
Times of holding the circuit and district courts U. S. in the districts of Indiana, Illinois, and Michigan.  
Act of March 3, 1837, ch. 34.

All recognizances, &c., shall be returnable to the first term as above established.

Circuit judge shall attend one circuit court every year.

On a question of law, &c., the dist. judge may adjourn the cause.

CHAP. XXXIV.—*An Act to continue in force an act therein mentioned, relating to the port of Baltimore.*

*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, one thousand eight hundred and thirty-eight, be, and the same, so far as it relates to the act of Maryland, is hereby revived and continued in force until the third day of March, one thousand eight hundred and forty-three. *Provided,* That nothing herein contained shall authorize the demand of a duty on tonnage on vessels propelled by steam, employed in the transportation of passengers.

APPROVED, March 19, 1838.

STATUTE II.  
March 19, 1838.

[Expired.]

The act passed 17th March, 1800, chap. 15, so far as relates to the act of Maryland, continued to 3d March, 1843.

Proviso.

CHAP. XLVI.—*An Act to restore circuit jurisdiction to the district courts of the western district of Virginia. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the third section of the act entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,'" approved March third, eighteen hundred and thirty-seven, as repeals all former acts, or parts of acts, conferring circuit court jurisdiction on certain district courts therein named, be, and the same is hereby, repealed, so far as relates to the courts of the western district of Virginia; and that the district courts of said district exercise the same jurisdiction with which they were invested previous to the passage of said act.

STATUTE II.  
March 28, 1838.

So much of 3d section act 3d March, 1837, ch. 34, as repeals all acts conferring circuit court jurisdiction on certain district courts, repealed, &c.

Act of March 3, 1839, ch. 81.

(a) See notes of the acts relating to the District Courts of Virginia, vol. 3, 479.

All causes transferred from said dist. courts to circuit court at Lewisburg, removed back, &c.

Appellate jurisdiction from said dist. courts to be exercised by circuit court at Lewisburg.

SEC. 2. *And be it further enacted*, That all causes transferred by authority of said act from the said district courts to the circuit court, directed by law to be held in the town of Lewisburg, in the State of Virginia, and which remain undetermined, be removed back to the district courts from whence they were transferred, to be there finally determined.

SEC. 3. *And be it further enacted*, That appellate jurisdiction from the judgments or decrees of the said district courts of the western district of Virginia, as now authorized by law, shall be exercised by the said circuit court at Lewisburg.

APPROVED, March 28, 1838.

# STATUTE II.

April 6, 1838.

[Obsolete.]

CHAP. LIV.—*An Act making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the treasury, viz :

Pay and mileage of members of Congress.

Pay of officers, &c., of Congress.

Contingent exp. of Senate.

Contingent expenses of Ho. Reps.

Two last sums applicable only to ordinary exp.

President, Vice President, and heads of departments.

Secretary to sign patents for lands. 1833, ch. 91.

Off. Sec. State, clerks, &c.

Contingent expenses.

Supdt. and watchman.

Contingent expenses.

Off. S. c. Treas. clerks, &c.

Additional clerks, 1836, ch. 115.

1st Comptroller.

Clerks and messengers.

2d Comptroller.

Clerks and messenger.

For pay and mileage of the members of Congress and delegates, five hundred and sixty-seven thousand six hundred and eighty dollars ;

For pay of the officers and clerks of the Senate and House of Representatives, forty thousand four hundred dollars ;

For stationery, fuel, printing, and all other contingent expenses of the Senate, fifty thousand dollars ;

For stationery, fuel, printing, and all other contingent expenses of the House of Representatives, two hundred and twenty-five thousand dollars ;

The two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars ;

For salary of the secretary to sign patents for public lands, per act of March second, eighteen hundred and thirty-three, one thousand five hundred dollars ;

For clerks and messengers in the office of the Secretary of State, twenty thousand three hundred dollars ;

For the contingent expenses of the Department of State, including publishing and distributing the laws, twenty-five thousand dollars ;

For the superintendent and watchman of the northeast executive building, one thousand five hundred dollars ;

For contingent expenses of said building, including fuel, labor, oil, and repairs, three thousand three hundred and fifty dollars ;

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, sixteen thousand four hundred and fifty dollars ;

For compensation to the clerks in said office, per act of twenty-third of June, eighteen hundred and thirty-six, three thousand six hundred dollars ;

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars ;

For compensation to the clerks and messengers in the office of the First Comptroller, nineteen thousand three hundred dollars ;

For compensation to the Second Comptroller, three thousand dollars ;

For compensation to the clerks and messenger in the office of the

Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor, twelve thousand two hundred and fifty dollars;

For compensation to the First Auditor of the Treasury, three thousand dollars;

For compensation to the clerks and messenger in the office of the First Auditor, fifteen thousand nine hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars;

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars;

For compensation to the Third Auditor, three thousand dollars;

For compensation to the clerks and messengers in the office of the Third Auditor, twenty-seven thousand two hundred and fifty dollars;

For compensation to two additional clerks, employed under the act of the eighteenth of January, one thousand eight hundred and thirty-seven, for the payment of horses and other property lost or destroyed, two thousand four hundred dollars;

For compensation to the Fourth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fourth Auditor, fifteen thousand nine hundred and fifty dollars;

For an additional clerk in the same, to carry into effect the act of the third of March last, for the more equitable administration of the pension fund, one thousand dollars;

For compensation to the Fifth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fifth Auditor, nine thousand eight hundred dollars;

For compensation to the Treasurer of the United States, three thousand dollars;

For compensation to the clerks and messenger in the office of the Treasurer of the United States, ten thousand seven hundred and fifty dollars;

For compensation to the Register of the Treasury, three thousand dollars;

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars;

For compensation of the Commissioner of the General Land Office, per act of fourth July, eighteen hundred and thirty-six, three thousand dollars;

For compensation of the recorder, solicitor, draughtsman, and assistant draughtsman, clerks, messengers, and packers, in the office of the Commissioner of the General Land Office, one hundred and seven thousand eight hundred and fifty dollars;

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars;

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars;

For expenses of stationery, printing, and all other contingent expenses of the Treasury Department, viz :

For the office of the Secretary of the Treasury, including copying, and expenses incurred in consequence of the burning of the Treasury building, twelve thousand five hundred dollars;

For translating foreign languages, and for receiving and transmitting passports and sea letters, in the office of the Secretary of the Treasury, three hundred dollars;

For stating and printing public accounts, one thousand four hundred dollars;

For the office of the First Comptroller, two thousand dollars;

1st Auditor.

Clerks and messenger.

2d Auditor.

Clerks and messenger.

3d Auditor.

Clerks and messengers.

Two additional clerks.

1837, ch. 5.

4th Auditor.

Clerks and messenger.

An additional clerk.

5th Auditor.

Clerks and messenger.

Treasurer.

Clerks and messenger.

Register.

Clerks and messengers.

Commissioner of General Land Office.

Other officers in the General Land Office.

Solicitor of the Treasury.

Clerks and messenger.

Expenses of Treas. Dept.

Off. Sec. Treas. copying, &c.

Translating, &c.

Public accounts. Off. 1st Comptroller.

Off. 2d Comptroller.	For the office of the Second Comptroller, one thousand five hundred dollars ;
Off. 1st Audit.	For the office of the First Auditor, one thousand dollars ;
Off. 2d Audit.	For the office of the Second Auditor, one thousand dollars ;
Off. 3d Audit.	For the office of the Third Auditor, including one thousand four hundred and fifty dollars, the estimated amount due to printers for publishing rules and regulations and notices to claimants, under the act of the eighteenth of January, eighteen hundred and thirty-seven, to provide for the payment of horses and other property lost or destroyed in the military service of the United States, two thousand two hundred and fifty dollars ;
1837, ch. 5.	
Off. 4th Audit.	For the office of the Fourth Auditor, one thousand dollars ;
Off. 5th Audit.	For the office of the Fifth Auditor, one thousand dollars ;
Off. Treasurer.	For the office of the Treasurer of the United States, one thousand three hundred dollars ;
Off. Register.	For the office of the Register of the Treasury, three thousand dollars ;
Off. Solicitor of the Treasury.	For the office of the Solicitor of the Treasury, including five hundred dollars for the purchase of books, one thousand five hundred dollars ;
Sup't and watchmen for General Land Office.	For compensation of superintendent and two watchmen for the additional building for the use of the General Land Office, one thousand and fifty dollars ;
Supdt. and watchman S. E. Ex. building.	For compensation of the superintendent and watchman of the southeast executive building, two thousand one hundred dollars ;
Contingent expenses of Treas. building.	For contingent expenses of the building occupied by the Treasury, including fuel, oil, labor, repairs, furniture, and for rent, amounting to four thousand three hundred and fifty dollars per annum, twelve thousand dollars ;
Off. Sec. War. clerks and messengers.	For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the Bounty Land Bureau, thirteen thousand two hundred and fifty dollars ;
Contingent expenses.	For contingent expenses of the office of the Secretary of War, three thousand dollars ;
Books, maps, and plans.	For books, maps, and plans, for the War Department, one thousand dollars ;
Extra clerks.	For compensation of extra clerks, when employed in said office, three thousand dollars ;
Commissioner of Indian affairs.	For compensation of the Commissioner of Indian Affairs, three thousand dollars ;
Clerks and messenger.	For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs, sixteen thousand four hundred dollars ;
Cont. exp.	For contingent expenses of said office, two thousand dollars ;
Commissioner of Pensions.	For compensation of the Commissioner of Pensions, including five hundred dollars for deficiency in the appropriation for eighteen hundred and thirty-seven, three thousand five hundred dollars ;
Clerks transferred from office Sec. War.	For compensation of clerks transferred from the office of the Secretary of War to the office of the Commissioner of Pensions, four thousand eight hundred dollars ;
Clerks and messengers authorized by act 9th May, 1836, ch. 60.	For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by act of ninth May, eighteen hundred and thirty-six, thirteen thousand four hundred and fifty dollars ;
Off. Paymaster General.	For compensation to clerks and messenger in the office of the Paymaster General, six thousand one hundred dollars ;
Cont. exp.	For contingent expenses of said office, three hundred dollars ;
Off. Com'g. General.	For compensation of clerk and messenger in the office of the Commanding General, one thousand five hundred dollars ;
Cont. exp.	For contingent expenses of said office, three hundred dollars ;
Off. Adjutant General.	For compensation to clerks and messenger in the office of the Adjutant General, seven thousand six hundred and fifty dollars ;

For contingent expenses of said office, one thousand six hundred dollars;	Cont. exp.
For compensation of clerks and messenger in the office of the Quartermaster General, seven thousand three hundred dollars;	Quartermaster General.
For contingent expenses of said office, six hundred dollars;	Cont. exp.
For compensation of clerks and messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars;	Off. Com'y. Gen'l. of Purchases.
For contingent expenses of said office, eight hundred dollars;	Cont. exp.
For compensation of clerks and messenger in the office of the Commissary General of Subsistence, four thousand three hundred dollars;	Off. Com'y. Gen'l. of Subsistence.
For contingent expenses of said office, two thousand six hundred dollars;	Cont. exp.
For compensation of clerks and messenger in the office of the Chief Engineer, five thousand six hundred and fifty dollars;	Off. Chief Engineer.
For contingent expenses of said office, including one thousand dollars for expenses attending the removal of the office, two thousand dollars;	Cont. exp.
For compensation to clerk and messenger in the office of the Surgeon General, one thousand six hundred and fifty dollars;	Off. Surgeon General.
For contingent expenses of said office, seven hundred dollars;	Cont. exp.
For compensation of clerks and messenger in the Ordnance office, eight thousand six hundred and fifty dollars;	Ordnance Off.
For contingent expenses of said office, nine hundred and fifteen dollars;	Cont. exp.
For compensation of the clerks and messenger in the Topographical Bureau, two thousand five hundred dollars;	Topographical Bureau.
For contingent expenses of said bureau, one thousand two hundred and thirty-five dollars;	Cont. exp.
For compensation of superintendent and watchmen of the northwest executive building, two thousand two hundred and fifty dollars;	Sup't. and watchmen N. W. Ex. Build'g.
For contingent expenses of said building, including rent of Bounty Land office; for improving the grounds for a new building; for land for the engine house, authorized by the act of March three, eighteen hundred and thirty-seven; and for the contingencies of the fire engines and apparatus, five thousand three hundred dollars;	Contingent expenses. 1837, ch. 33.
For compensation of the clerks and messengers in the office of the Secretary of the Navy, twelve thousand eight hundred and fifty dollars;	Off. Sec. Navy clerks and messengers.
For contingent expenses of said office, three thousand dollars;	Cont. exp.
For compensation of the Commissioners of the Navy Board, ten thousand five hundred dollars;	Commissioner's of Navy Board.
For compensation of the Secretary of the Navy Board, two thousand dollars;	Secretary.
For compensation to the clerks and messenger of the Navy Board, eight thousand four hundred and fifty dollars;	Clerks and messenger.
For contingent expenses of said office, one thousand eight hundred dollars;	Cont. exp.
For salary of superintendent and watchman of the southwest executive building, one thousand two hundred and fifty dollars;	Sup't. and watchman S. W. Ex. build'g.
For contingent expenses of said building, three thousand three hundred and fifty dollars;	Cont. exp.
For compensation to three Assistant Postmasters General, per act third [second] July, eighteen hundred and thirty-six, seven thousand five hundred dollars;	Assis't. Postmaster Gen'l., July 2, 1836, ch. 270.
For compensation to clerks and messengers in the General Post Office, forty-eight thousand six hundred dollars;	Clerks and messengers.
For contingent expenses of said office, including four thousand dollars for rent and fuel for the Auditor's office, twelve thousand five hundred dollars;	Cont. exp.



Arrearages for 1837.	For arrearages for the year eighteen hundred and thirty-seven, six thousand seven hundred and forty-nine dollars and ninety-eight cents;
Watchmen.	For compensation of two watchmen, six hundred dollars;
Auditor of Post Office.	For compensation to the Auditor of the Post Office, three thousand dollars;
Clerks and messengers.	For compensation to clerks and messengers in said office, fifty-five thousand five hundred dollars;
Contingent expenses.	For contingent expenses of said office, including the expense of quarterly books, stationery, printing, pay of laborers, and arrearage of expenses incidental to the occupation of the new office, seven thousand four hundred and thirty-seven dollars;
Surv'r. Gen'l. N. W. of Ohio.	For compensation of the Surveyor General northwest of the Ohio, two thousand dollars;
Clerks, 1836, chap. 60.	For compensation to clerks in his office, per acts of ninth May, eighteen hundred and thirty-six, six thousand three hundred dollars;
Surv'r. Gen'l. for Illinois and Missouri.	For compensation to the Surveyor General for Illinois and Missouri, two thousand dollars;
Clerks.	For compensation to clerks in the office of said Surveyor General, per acts of ninth May, eighteen hundred and thirty-six, three thousand two hundred dollars;
Surv'r. Gen'l. of Arkansas.	For compensation to the Surveyor General of Arkansas, two thousand dollars;
Clerks.	For compensation of clerks in the office of said Surveyor General, three thousand dollars;
Surv'r. Gen'l. of Louisiana.	For compensation of the Surveyor General of Louisiana, two thousand dollars;
Clerks.	For compensation to clerks in the office of said Surveyor General, per acts of ninth May, eighteen hundred and thirty-six, four thousand three hundred dollars;
Surv'r. Gen'l. of Mississippi.	For compensation of the Surveyor General of Mississippi, two thousand dollars;
Clerks.	For compensation of clerks in the office of said Surveyor General, per acts of the ninth of May, eighteen hundred and thirty-six, five hundred dollars;
Surv'r. Gen'l. of Alabama.	For compensation of the Surveyor General of Alabama, two thousand dollars;
Clerks, May 9, 1836, ch. 60.	For compensation of clerks in the office of said Surveyor General, per acts of ninth May, eighteen hundred and thirty-six, including one thousand five hundred dollars for additional clerk-hire in preparing the survey and return of the Cherokee cession, two thousand eight hundred and twenty dollars;
Additional clerk hire.	
Surv'r. Gen'l. of Florida.	For compensation of the Surveyor General of Florida, two thousand dollars;
Clerks.	For compensation of clerks in the office of said Surveyor General, two thousand dollars;
Commissioner of Public Buildings.	For compensation to the Commissioner of Public Buildings in Washington, two thousand three hundred dollars;
Assistants, &c.	For compensation to three assistants to the Commissioner, as superintendent of the Potomac bridge; for the expense of oil for the lamps, one thousand nine hundred and forty-two dollars and fifty cents;
Officers and clerks of Mint.	For compensation to the officers and clerks of the Mint, twenty thousand four hundred dollars;
Laborers and contingent exp.	For pay of laborers in the various departments of the Mint, and for contingent expenses, fourteen thousand six hundred dollars;
Officers and clerks of Mint at Charlotte.	For compensation to the officers and clerk of the branch Mint at Charlotte, North Carolina, six thousand dollars;
Laborers.	For pay of laborers in the various departments of the same, three thousand six hundred dollars;

For wastage of gold and for contingent expenses of the same, five thousand four hundred dollars;	Wastage of gold and contingent expenses.
For renewing the roof of the Mint at Charlotte, North Carolina, two thousand dollars;	Renewing the roof.
For compensation to the officers and clerk of the branch Mint at Dahlonega, Georgia, six thousand dollars;	Officers and clerk of the Mint at Dahlonega.
For pay of laborers in the various departments of the same, three thousand eight hundred dollars;	Laborers.
For wastage of gold, and for contingent expenses of the same, four thousand dollars;	Wastage of gold, &c.
For enclosing the Mint lot, and for buildings, seven thousand five hundred dollars;	Enclosing the Mint lot, &c.
For compensation to the officers and clerks of the branch Mint at New Orleans, twelve thousand nine hundred dollars;	Officers, &c., of Mint at New Orleans.
For pay of laborers in the various departments of the same, twenty-two thousand dollars;	Laborers.
For wastage of gold and silver, and for contingent expenses of the same, twenty-seven thousand one hundred dollars;	Wastage of gold and silver, &c.
For compensation of the Governor, Judges, and Secretary of Wisconsin Territory, nine thousand one hundred dollars;	Governor, &c. of Wisconsin.
For contingent expenses, pay, and mileage of the members of the Legislative Assembly; pay of officers of the Council, and taking the census of said Territory, and for printing the laws; for furniture and rent of buildings, twenty-nine thousand six hundred and twenty-five dollars;	Pay and mileage of members of Legislative Assembly, &c.
For compensation of the Governor, Judges, and Secretary of the Territory of Florida, eleven thousand seven hundred dollars;	Governor, &c. of Florida.
For contingent expenses, pay, and mileage of the members of the Legislative Council of said Territory; pay of the officers of the Council, and for copying the laws for the printer, ten thousand dollars;	Pay and mileage of members of Legislative Council, &c.
For compensation to the Chief Justice, the Associate Judges, and district Judges of the United States, one hundred and one thousand four hundred dollars;	Chief Justice, Associates, and Dist. Judges U. States.
For compensation of the Chief Justice and Associate Judges of the District of Columbia, and of the Judge of the Orphans' Courts of said District, nine thousand five hundred dollars;	Chief Justice, Associates, &c. of D. C.
For compensation to the Attorney General of the United States, four thousand dollars;	Attorney General.
For compensation of clerk and messenger in the office of the Attorney General, one thousand three hundred dollars;	Clerk and messenger.
For contingent expenses of said office, five hundred dollars;	Cont. exp.
For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars;	Reporter of Supreme court.
For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories, thirteen thousand two hundred and fifty dollars;	District Attorneys and Marshals.
For defraying the expenses of the Supreme Court and the District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty-eight and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners, three hundred and fifty thousand dollars;	Expenses of the Supreme and District Courts U. S., &c.
For expenses of printing the records of the Supreme Court, three thousand dollars;	Records of Supreme Court.
For the payment of pensions granted by special acts of Congress, one thousand and fifty dollars;	Pensions by special acts.
For the support and maintenance of light-houses, floating lights, &c.	Light-houses, &c.

Survey of the coast U. S.

Warehouse at Baltimore.

Surveys in Alabama.

1837, ch. 33.

Surveys in Missouri.

Keepers of archives in Fl'a.

Ministers of U. S.

Secretaries of Legation.

Charges des affaires.

Drogoman, &c.

Cont. exp. of missions abroad.

Consuls at London and Paris.

Intercourse with Barbary Powers.

Relief, &c., of Am. Seamen.

Cont. exp. of foreign intercourse.

Expenses in office of American consul in London, 1836, chap. 2.

Interpreters, &c., in consulates in Turkish dominions.

Librarians, messenger, &c. Books for Library of Congress.

Registers for ships, &c.

Abstract of the pension laws, &c.

Fourth art. of treaty with Spain.

Alterations, &c., of the Capitol, &c.

Street in front of carpenter's shop; water for stables.

Lighting lamps, &c., around Capitol.

beacons, buoys, and stakages, including the purchase of lamps, oil, keepers' salaries, repairs, improvements, and contingent expenses, three hundred and fifty-six thousand eight hundred and sixty-three dollars;

For survey of the coast of the United States, including the compensation of the superintendent and assistants, ninety thousand dollars;

For completing the public warehouse at Baltimore, twenty-five thousand dollars;

For completing surveys in Alabama, according to the provision in the appropriation act of third March, eighteen hundred and thirty-seven, twenty-five hundred dollars;

For surveys in Missouri, in the towns named in the act of twenty-sixth May, eighteen hundred and twenty-four, six thousand dollars;

For the compensation to two keepers of the public archives in Florida, one thousand dollars;

For salaries of ministers of the United States to Great Britain, France, Spain, Russia, and Prussia, forty-five thousand dollars;

For salaries of the secretaries of legation to the same places, ten thousand dollars;

For salaries of the charges des affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Chili, Peru, Central America, New Granada, and Venezuela, and for an outfit to a charge d'affaires to Peru, fifty-eight thousand five hundred dollars;

For salary of the drogoman, and for contingent expenses of the legation to Turkey, six thousand five hundred dollars;

For contingent expenses of all the missions abroad, thirty thousand dollars;

For salaries of the consuls of the United States at London and Paris, four thousand dollars;

For expenses of intercourse with the Barbary Powers, seventeen thousand four hundred dollars;

For the relief and protection of American seamen in foreign countries, forty thousand dollars;

For the contingent expenses of foreign intercourse, fifteen thousand dollars;

For clerk-hire, office-rent, stationery, and other expenses, in the office of the American consul in London, per act of nineteenth January, eighteen hundred and thirty-six, two thousand eight hundred dollars;

For interpreters, guards, and other expenses incidental to the consulates in the Turkish dominions, five thousand five hundred dollars;

For salary of the principal and two assistant librarians; pay of the messenger, and for contingent expenses of the library, four thousand two hundred and ten dollars;

For the purchase of books for the library of Congress, five thousand dollars;

For registers for ships and vessels and lists of crews, four thousand dollars;

For compensation to a person employed in making an abstract of the pension laws, and in preparing the papers for Congress, under the resolution of the House of Representatives of the ninth of October, eight hundred and thirty-seven, five hundred dollars;

For carrying into effect the fourth article of the treaty with Spain, three thousand dollars;

For alterations and repairs of the Capitol, and incidental expenses, six thousand three hundred and thirty-one dollars;

For filling up the street in front of carpenter's shop, and conducting water to the public stables, five hundred and fifty dollars;

For lighting lamps and superintendence of public grounds around the Capitol, five thousand nine hundred and seventy-six dollars;

For extending Capitol square west, and improving the same south of

the centre footway, according to the plan already in part executed, under the provisions of an act of the last Congress, twenty-three thousand one hundred and twenty-seven dollars and eighty-six cents;

For attendance at the western gates of the Capitol, five hundred and forty-seven dollars and fifty cents;

For salary of the principal gardener, one thousand dollars;

For alterations and repairs of the President's house, and for superintendence of the grounds around the same, four thousand eight hundred and fifteen dollars;

For flag footways across Pennsylvania avenue at Third, Four-and-a-half, Sixth, Seventh, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth streets, and across First street, east of Capitol square, two thousand two hundred and eighty dollars;

For repairing the Marine Hospital at Charleston, South Carolina, two thousand dollars;

For the second payment to Luigi Persico, according to the contract made with him, for a group of statues for the Capitol, four thousand dollars;

For the second payment to the artists engaged in executing paintings for the rotundo of the Capitol, under the joint resolution of the two Houses, eight thousand dollars;

For purchasing eighty thousand pieces of parchment, and the expense of printing the same, thirteen thousand six hundred dollars;

For the service of the General Post Office, for the year eighteen hundred and thirty-eight, in conformity to the act of second July, eighteen hundred and thirty-six, four million six hundred and ninety-four thousand dollars, viz:

For transportation of mails, three million four hundred thousand dollars;

For compensation of postmasters, nine hundred and thirty-five thousand dollars;

For ship, steamboat, and way-letters, thirty-one thousand dollars;

For wrapping paper, twenty thousand dollars;

For office furniture, six thousand dollars;

For advertising, twenty-five thousand dollars;

For mail bags, forty thousand dollars;

For blanks, thirty-six thousand dollars;

For mail locks and keys and stamps, nine thousand dollars;

For mail depredations and special agents, twelve thousand dollars;

For clerks for offices, one hundred and forty thousand dollars;

For miscellaneous, forty thousand dollars.

*Provided*, That there shall exist in the President and in the Postmaster General, the same power to transfer funds from one to another head of appropriation, between the appropriations above made for the service of the General Post Office, as exists in the President and any other head of an executive department to transfer funds appropriated under one head to the service of another, in any other branch of the public service.

SEC. 2. *And be it further enacted*, That the money arising from the sale of the old furniture in the President's house shall be applied to the purchase of new furniture for the same.

SEC. 3. *And be it further enacted*, That the unexpended balances of appropriations for compensation to the clerks in the offices of the surveyors general of public lands be, and the same are hereby, appropriated, in addition to the sums appropriated by this act for the same purpose.

APPROVED, April 6, 1838.

Improving the Capitol square.

Attendance at western gates.

Principal Gardener.

Alterations, &c., of President's house, &c.

Flag footways on Pa. avenue, &c.

Marine Hospital at Charleston.

Second payment to L. Persico.

Second payment to artists executing paintings for the rotundo.

Purchasing and printing parchment.

General Post Office.

1836, ch. 270.

Transportation of mails.

Compensation of postmasters. Ship, steamboat, and way-letters.

Wrapping paper.

Off. furniture. Advertising

Mail bags.

Blanks.

Mail locks, &c.

Mail depredations and special agents.

Clerks.

Miscellaneous. Proviso.

Furniture for the President's house.

Unexpended balances for clerks in offices of surveyors gen'l. appropriated.

STATUTE II.  
April 6, 1838.

[Obsolete.]

Pay of the  
army.

Subsistence of  
officers.

Forage for of-  
ficers' horses.

Clothing for of-  
ficers' servants.

Payments in  
lieu of clothing.

Subsistence,  
exclusive of that  
of officers.

Clothing, camp  
and garrison  
equipage, &c.

Medical and  
hospital dept.

Supplies fur-  
nished by Qr.  
Mr.'s dept.

Barracks,  
quarters, store-  
houses, &c.

Transportation  
of officers' bag-  
gage.

Transportation  
of troops and  
supplies, &c.

Incidental ex-  
penses of Qr.  
Mr.'s dept.

CHAP. LV.—*An Act making appropriations for the support of the army for the year one thousand eight hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for the support of the army during the year eighteen hundred and thirty-eight; that is to say:

For the pay of the army, one million and ninety-one thousand one hundred and ninety-three dollars.

For the subsistence of officers, three hundred and forty-seven thousand seven hundred and forty-nine dollars.

For forage of officers' horses, seventy thousand nine hundred and eighty-seven dollars.

For clothing for officers' servants, twenty-six thousand five hundred and fifty dollars.

For payments in lieu of clothing to discharged soldiers, thirty thousand dollars.

For subsistence, exclusive of that of officers, seven hundred and thirty thousand nine hundred and twelve dollars and fifty cents.

For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture, four hundred and thirteen thousand two hundred and ninety-nine dollars.

For the medical and hospital department, thirty-nine thousand two hundred dollars.

For the regular supplies furnished by the Quartermaster's department, consisting of fuel, forage, straw, stationery, and printing, two hundred and three thousand dollars.

For barracks, quarters, store-houses, embracing the repairs and enlargement of barracks, quarters, store-houses, and hospitals, at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun-houses for the protection of the cannon at the forts on the seaboard; the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack rooms; rent of quarters for officers; of barracks for troops at posts where there are no public buildings for their accommodation; of store-houses for the safe-keeping of subsistence, clothing, &c., and for grounds for summer cantonments, encampments, and military practice, ninety-five thousand dollars.

For the allowance made to officers for the transportation of their baggage, when travelling on duty without troops, fifty thousand dollars.

For the transportation of troops and supplies, viz: transportation of the army, including the baggage of troops when moving either by land or water; freight and ferriages; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for the purpose of transportation, or for the use of garrison; drayage and cartage at the several posts; hire of teamsters, transportation of funds for the Pay department; expense of sailing a public transport between the posts on the Gulf of Mexico; and of procuring water at such posts as, from their situation, require it; the transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase, and the points of delivery under contracts, to such places as the circumstances of the service may require it to be sent; of ordnance from the foundries and arsenals to the fortifications and frontier posts, and of lead from the western mines to the several arsenals, the sum of one hundred and ninety-five thousand dollars.

For the incidental expenses of the Quartermaster's department, consisting of postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge

advocates, members, and witnesses; extra pay to soldiers, under an act of Congress of the second of March, eighteen hundred and nineteen; expenses of expresses from the frontier posts; of the necessary articles for the interment of non-commissioned officers and soldiers; hire of labourers; compensation to clerks in the offices of quartermasters and assistant quartermasters at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service, and the erection of additional stables, ninety-two thousand dollars.

For two months' extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service, twenty-four thousand two hundred and sixty-four dollars.

1819, ch. 45

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

For the armament of the fortifications, one hundred thousand dollars.

For the current expenses of the ordnance service, ninety-eight thousand dollars.

For arsenals, one hundred and fifty thousand dollars, or so much thereof as may suffice to complete the arsenals already commenced, and those on the western frontier.

For the manufacture of elevating machines for barbette and casemate carriages, five thousand dollars.

For the purchase and manufacture of light field artillery, thirty-nine thousand nine hundred and fifty-three dollars.

For the purchase of gunpowder and grape shot, thirty-seven thousand five hundred dollars.

For arrearages payable through the office of the Second Auditor, twelve hundred dollars.

For arrearages payable through the office of the Third Auditor, three thousand dollars.

For taxes on the Passyunk arsenal, near Philadelphia, for the years eighteen hundred and thirty-seven and eighteen hundred and thirty-eight, fourteen hundred and fifty dollars.

For contingencies of the army, five thousand dollars.

For paying the balance due the heirs of William Meldrum, one of the commissioners for surveying and marking the road from La Plaisance Bay to Chicago, two hundred and sixty-eight dollars and fifty-five cents.

For paying Adam Eckfeldt, for fine gold and other expenses incurred by him in preparing nine medals ordered by Congress for various distinguished officers, one thousand and eight dollars and eighty-six cents.

APPROVED, April 6, 1838.

Extra pay to re-enlisted soldiers, &c.  
National armories.  
Armament of the fortifications.  
Ordnance service.  
Arsenals

Elevating machines, &c.

Light field artillery.

Gunpowder and shot.

Arrearages payable by Second Auditor.

Arrearages payable by Third Auditor.  
Taxes on the Passyunk arsenal.

Contingencies of the army.  
Balance due the heirs of William Meldrum.

Adam Eckfeldt, for expenses incurred in preparing medals.

## STATUTE II.

April 6, 1838.

1842, ch. 189, § 3.

CHAP. LVI.—*An Act directing the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all money which has been, or may hereafter be, transmitted to the agents for paying pensions, which may have remained, or may hereafter remain, in the hands of said agents unclaimed by any pensioner or pensioners for the term of eight months after the same may have or may become due and payable, shall be transferred to the Treasury of the United States; and that all pensions unclaimed as aforesaid, shall be thereafter payable only at the Treasury of the United States, and out of any money not otherwise appropriated.

All money after having remained in the hands of an agent unclaimed, eight months after having become due, shall be transferred to the Treas., and all pensions unclaimed, &c.

The transfer to be made by the draft of the Commissioner of Pensions, &c.

SEC. 2. *And be it further enacted*, That the transfer directed by the first section of this act shall be made by the draft of the Commissioner of Pensions upon the agents for paying pensions, and in favour of the Treasurer of the United States; and that the form of said draft shall be prescribed by the Secretary of War.

APPROVED, April 6, 1838.

## STATUTE II.

April 20, 1838.

Act of May 31, 1832, ch. 112.

Clerks of circuit court D. C. required to admit to record any conveyance &c. upon certificate of two justices of peace in following form.

Form of certificate.

CHAP. LVII.—*An Act to amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers, within the District of Columbia, passed the thirty-first day of May, eighteen hundred and thirty-two.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the clerks of the circuit court of the District of Columbia, and their deputies, in their respective counties, shall be, and are hereby, authorized and required to admit to record any conveyance whereby a right, title, or interest, in real estate is conveyed, or purports to be, lying within the limits of their respective counties, upon the certificate under seal of any two justices of the peace of any State or Territory of the United States, or of the District of Columbia, annexed to such deed, and to the following effect, to wit:

—County [or Corporation, &c.] to wit:

We, A B and C D, justices of the peace in and for the county [or corporation, or parish, or district,] aforesaid, in the State [or Territory, or district,] of — do hereby certify that E F, a party [or E F and G H, &c. parties,] to a certain deed, bearing date on the — day of — and hereto annexed, personally appeared before us in our county [or corporation, &c.] aforesaid, the said E F [or E F and G H, &c.] being personally well known to us, as [or proved by the oaths of credible witnesses before us to be] the person [or persons] who executed the said deed, and acknowledged the same to be his, [her, or their] act and deed. Given under our hands and seals, this — day of —

A. B. [SEAL.]

C. D. [SEAL.]

## Proviso.

*Provided*, That, when such acknowledgment shall be taken before any justices of the peace beyond the limits of the District of Columbia, there shall accompany such certificate of acknowledgment a certificate of the clerk or other public officer having official cognizance of the fact, under his official seal, that such persons were, at the date of their said certificate, in fact, justices as they purport to be.

All conveyances, &c. (except,) delivered to be recorded within six months, shall take effect from the time of acknowledgment, &c.

SEC. 2. *And be it further enacted*, That every conveyance, covenant, agreement and other deed, (except deeds of trust and mortgages,) which shall be acknowledged or proved, and certified, according to law, and delivered to the clerk of the proper court, to be recorded within six months after the sealing and delivery thereof, shall take effect and be valid as to all persons from the time of such acknowledgment or proof; but all deeds of trust and mortgages, whensoever they shall be delivered to the clerk of the proper court to be recorded, and all other conveyances, covenants, agreements, and deeds, which shall not be acknowledged, proved, or certified, and delivered to the clerk of the proper court to be recorded within six months after the sealing and delivering thereof, shall take effect and be valid, as to all subsequent purchasers for valuable consideration, without notice, and as to all creditors, from the time when such deed of trust or mortgage, or such other conveyance, covenant, agreement, or deed, shall have been so acknowledged, proved, or certified, and delivered to the clerk of the proper court to be recorded, and from that time only: *Provided, however*, That if two or more deeds containing the same property, after having been so acknow-

## Proviso.

ledged, or proved and certified, be delivered to the clerk to be recorded on the same day, that which shall have been first sealed and delivered shall have preference in law.

SEC. 3. *And be it further enacted*, That every title-bond, or other written contract in relation to land, may be proved, acknowledged, certified, and recorded, in the same manner as deeds for the conveyance of land; and such proof or acknowledgment, and certificate, and the delivery of such bond or contract to the clerk of the proper court, to be recorded, shall be taken and held to be notice to all subsequent purchasers of the existence of such bond or contract.

Title bonds, &c., in relation to land, may be proved, &c., in the same manner as deeds for its conveyance, &c.

SEC. 4. *And be it further enacted*, That if any feme covert shall be a party executing such deed and shall only be relinquishing her right of dower in such estate or interest, or when a husband and his wife shall have sealed and delivered a writing purporting to be a conveyance of any estate or interest, and such feme covert shall appear before any two justices of the peace of any State or Territory of the United States, or of the District of Columbia, and, being by them examined privily and apart from her husband, and having the deed fully explained to her, shall acknowledge the same to be her act and deed, and shall declare that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it; and such privy examination, acknowledgment, and declaration, shall be certified by such justices under their hands and seals, by a certificate annexed to such writing, and to the following effect; that is to say:

If any feme covert, party to a deed relinquishing her right of dower, &c. before two justices of the peace, &c.

\_\_\_\_\_ county [or corporation, &c.] to wit:

Form of certificate.

We, A B and C D, justices of the peace in the county [or corporation, &c.] aforesaid, in the State [or Territory, &c.] of \_\_\_\_\_, do hereby certify that E F the wife of G H, party to a certain deed bearing date on the \_\_\_\_\_ day of \_\_\_\_\_ and hereunto annexed, personally appeared before us in our county [or corporation, &c.] aforesaid, the said E F, being well known to us as [or proved by the oaths of credible witnesses before us to be] the person who executed the said deed, and being by us examined, privily and apart from her husband, and having the deed aforesaid fully explained to her, she, the said E F, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it. Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_.

A. B. [SEAL.]

C. D. [SEAL.]

And such certificate shall be offered for record to the clerk of the circuit court of the District of Columbia, in that county in which such deed ought to be recorded. It shall be the duty of such clerk to record the same accordingly; and when the privy examination, acknowledgment, and declaration of a married woman, shall have been so taken and certified, and delivered to the clerk to be recorded pursuant to the directions of this act, such deed shall be as effectual in law to pass her right, title, and interest, as if she had been an unmarried woman: *Provided, however*, That no covenant or warranty contained in such deed hereafter executed shall in any manner operate upon any feme covert, or her heirs, further than to convey effectually from such feme covert and her heirs her right of dower or other interest in real estate which she may have at the date of such deed.

When said certificate is recorded, such deed shall be as effectual in law to pass her right, &c. as if she was an unmarried woman. Proviso.

SEC. 5. *And be it further enacted*, That all deeds heretofore recorded within the District of Columbia, and in the county wherein any lands, tenements and hereditaments are situated, which are conveyed in or by said deeds, on an acknowledgment before any two justices of the peace for said District, shall be good and effectual for the purpose or purposes therein mentioned, and valid as to all subsequent purchasers, and all creditors, from the passage of this act, *Provided*, said deeds

All deeds heretofore recorded, &c. to be good, &c.

Proviso.



were made in good faith, and without an interest to commit a fraud upon creditors or bona fide subsequent purchasers.

APPROVED, April 20, 1838.

#### STATUTE II.

April 20, 1838.

[Obsolete.]

Appropriation for the removal of the Red river raft.

CHAP. LIX.—*An Act making an appropriation for the removal of the great raft of Red River.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of seventy thousand dollars be appropriated, out of any money in the Treasury not otherwise appropriated, for the complete removal of the great raft in Red River, in the States of Louisiana and Arkansas.

APPROVED, April 20, 1838.

#### STATUTE II.

May 21, 1838.

Act of Oct. 12, 1837, ch. 2.  
Treasury notes to be issued according to the provisions of act of 12th Oct. 1837, ch. 2, in place of, &c.  
1839, ch. 37.

CHAP. LXXXII.—*An Act to authorize the issuing of Treasury notes to meet the current expenses of the Government. (a)*

*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, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions of, and subject to, all the conditions, limitations and restrictions contained in an act entitled "An act to authorize the issuing of Treasury notes," approved the Twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled.

APPROVED, May 21, 1838.

#### STATUTE II.

May 25, 1838.

Act of March 3, 1837, ch. 46.

CHAP. LXXXIV.—*An Act making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, 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 of money be, and the same are hereby, appropriated, to be paid out of any moneys in the Treasury unappropriated, to wit:

In Ohio.

For the continuation of the Cumberland road in the State of Ohio, the sum of one hundred and fifty thousand dollars.

In Indiana.

For the continuation of the Cumberland road in the State of Indiana, the sum of one hundred and fifty thousand dollars, including bridges.

In Illinois.

For the continuation of the Cumberland road in the State of Illinois, the sum of one hundred and fifty thousand dollars.

Bridge over Dunlap's creek.

For the completion of the bridge over Dunlap's creek, on the Cumberland road, in the State of Pennsylvania, the sum of nine thousand dollars; which said appropriations are made upon the same terms, and shall be subject to all the provisions, conditions, restrictions, and limitations, touching appropriations for the Cumberland road, contained in the act entitled "An act to provide for continuing the construction, and for the repair of certain roads, and for other purposes, during the year eighteen hundred and thirty-seven," approved on the third day of March, one thousand eight hundred and thirty-seven.

Terms of the appropriation.

1837, ch. 46.

APPROVED, May 25, 1838.

(a) Notes of the acts which have been passed relative to the issuing of Treasury notes, vol. 2, 766.

CHAP. LXXXV.—*An Act supplementary to the act entitled "An act concerning the District of Columbia."*

STATUTE II.  
May 25, 1838.  
1801, ch. 15.  
Preamble.

Whereas the present Judge of the Orphan's Court, in and for the county of Washington, in the District of Columbia, is, by reason of age and infirmity, disqualified for the due and proper discharge of the duties of his office:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, there shall be appointed in and for the county of Washington, an additional Judge of the Orphan's Court, who shall take an oath for the faithful and impartial discharge of the duties of his office; and who shall have the same powers, perform the same duties and receive the same salary, as are exercised, performed and received by the present Judge of the said Orphan's Court.

An additional judge to be appointed for the Orphans' Court of Washington; his powers.

SEC. 2. *And be it further enacted,* That during the life or continuance in office of the present Judge of the said Orphan's Court, the powers of the said Orphan's Court shall be vested in the said two Judges jointly, or may be exercised by the said additional Judge separately, as provided in the foregoing section; and that after the death or resignation of the present Judge, the said Orphan's Court shall consist of a single Judge as heretofore.

The powers of the Orphans' Court, how vested. After the death, &c. of the present judge, the court to consist of one judge.

APPROVED, May 25, 1838.

CHAP. LXXXVIII.—*An Act to extend the charter of the Union Bank of Georgetown, in the District of Columbia. (a)*

STATUTE II.  
May 25, 1838.  
1847, ch. 38.

Whereas, it appears that an extension of the charter of the Union Bank of Georgetown beyond the first day of July, eighteen hundred and thirty-eight, together with some amendment thereof, is necessary to enable the said corporation the better to close its concerns, redeem its obligations, and collect its debts; and the extension and amendment as aforesaid have been asked by the said corporation for the purposes above specified and for none other: Now therefore,

Preamble.  
Act of Aug. 25, 1841, ch. 12, § 8.  
1840, ch. 40.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the charter of the said corporation be extended until the first of July, eighteen hundred and forty-two, so as further to grant, continue, and reassure to said corporation the rights and privileges thereof, upon the conditions and with the limitations in said charter specified, and with certain exceptions and other conditions and limitations hereinafter to be named, until the day and year last mentioned.

Charter of the Union Bank of Georgetown extended to the 1st July 1842.

SEC. 2. *And be it further enacted,* That on the first Monday in April next, and thereafter, the number of directors of the Union Bank shall be reduced to four, together with a president, to be elected as now provided by the charter of said bank, any one of which directors, together with the president, shall constitute a board to do the business of the bank.

Number of directors reduced.

SEC. 3. *And be it further enacted,* That the president and directors of said bank may call a meeting of the stockholders of said bank, in such manner as shall be prescribed by the laws and ordinances of said corporation, and at such time as they may select, for the purpose of electing a trustee or trustees, (not exceeding three,) to whom shall be granted, until the first of July, eighteen hundred and forty-two, (should a majority of the votes present so decide,) the management of the concerns of said bank, together with the powers relating thereto, as fully and with the same limitations, together with others hereinafter to be

The president and directors may call a meeting of the stockholders for the election of a trustee or trustees, &c.

(a) See notes to the act of May 31, 1838, chap. 91.

named, as they are now given to the president and directors of the said corporation. And should it be the pleasure of the said stockholders, signified as aforesaid, to make the said change in the direction and management of the said bank, the trustee or trustees shall be elected in the same manner as is prescribed by the charter of said corporation for the election of directors. In such case as made and provided, the president and directors then being shall select a commissioner to convey to such trustee or trustees all the property, real and personal, of said corporation, and all its choses in action, its rights and interests of every description, whether in litigation or not, upon the condition, first, of discharging all the debts due from said corporation; and, after the satisfaction of this trust, upon such other trusts, conditions and limitations, not inconsistent with the general laws for the government of the District of Columbia, or with their said charter, as herein amended, as they may see fit to prescribe in the conveyance by which they appoint the said trustee or trustees: *Provided, however,* That the charter of the said corporation, as now amended, shall be voidable, upon any act of the said trustee or trustees, for which it might be avoided if it had been committed by the president and directors of said corporation: *And provided also,* That nothing herein contained shall be so construed as to incapacitate the president and directors of said bank in being at the time of said election, from receiving at that election the appointment of trustee or trustees, and taking to him or them the deed of trust aforesaid, which may provide, if three trustees be selected, that any one or two may act in the case of the death or removal from the trust of the others.

And the president shall select a commissioner to convey to the trustee or trustees all the property, &c.

Proviso.

Further proviso.

After 1st July 1838, no bills, &c. payable to bearer, shall be issued; no deposits, except from a stockholder, received; and no obligations entered into, except, &c.

Proviso.

Nothing herein contained shall be so construed as to impair the obligations, &c. of the corporation; but all suits, &c. shall proceed without abatement, &c.

Proviso.

SEC. 4. *And be it further enacted,* That the said corporation shall not, after the first day of July, eighteen hundred and thirty-eight, issue or reissue any bills, notes, or checks, payable to bearer; nor shall they issue certificates of deposit, payable to bearer; nor shall it receive any money or other property from any other corporation or from any person other than one of its stockholders, on deposit, and under an obligation to return it; nor shall the said corporation at any time after the first of July, eighteen hundred and thirty-eight, receive or enter into any new obligations or liabilities other than such deeds or assignments as may be necessary to convey away absolutely the property, real or personal, of the said bank, or other than the renewal from time to time of existing debts due said corporation on the receipt of partial payments, and the taking of such obligations, additional assurances, new liens, or new sureties, as may be necessary and proper for securing the collection of debts due to the said bank on the first of July, eighteen hundred and thirty-eight, and for enforcing the performance of obligations created on or before the day and year last aforesaid: *Provided, however,* That nothing herein contained shall prevent the said corporation from employing such officers and agents as may be necessary for transacting its affairs.

SEC. 5. *And be it further enacted,* That nothing herein contained shall be so construed as to destroy or in any manner impair the force of the obligations, rights, and liabilities, to or from the said corporation; but, on the contrary, all suits, bills, complaints, informations, actions, whether legal or equitable, judgments, decrees, and executions, by or against said corporation, shall proceed without abatement, discontinuance, or necessity for revivor, in due course of law, as if no change had been hereby made in the affairs of said corporation, and as if the charter by original creation had extended to the first of July, eighteen hundred and forty-two; and in all actions, legal or equitable, and in all process by or against said corporation, the name and style thereof shall remain the same: *Provided, however,* That, if a trustee or trustees should be elected, all summons, notices, and other process, legal or equitable,

shall afterwards be served upon him or them in the same manner as before they were served upon the president and other officers of said bank; but all acquittances for debts due to the said corporation, in any manner whatsoever, must be given by the said trustee or trustees after their appointment by deed as aforesaid; and in that case, and after that event, no payment, except to him or them, or to his or their authorized agents, shall operate as a discharge of the obligation or debt due to said corporation. Any creditor of said corporation who shall obtain executions or attachments upon any decree or judgment, may levy the same upon any property, real or personal, subject in its nature to such execution or attachment, and conveyed by the said corporation, as herein-after mentioned, to such trustee or trustees; and if not enough of such property be found to satisfy the debt, then the said trustee or trustees shall be personally liable for the same, to the extent to which he or they may have received property, real, personal, or mixed, from said corporation, (estimated at the time of conveyance without interest,) and may not have applied the same to the payment of debts due from said corporation.

SEC. 6. *And be it further enacted*, That the said trustee or trustees, should they be appointed, may prosecute, after the first day of July, eighteen hundred and forty-two, any action, legal or equitable, or judgment, decree, attachment, and execution, then in existence, or then pending in any court having competent jurisdiction of the subject, without abatement, discontinuance, or necessity for revivor, in the same manner as if such corporation were still in existence for the uses and trusts of the deed hereinbefore mentioned, and under which they derive this authority. Any person purchasing from the trustees their rights and interests in said actions, legal or equitable, judgments, decrees, or executions, shall be substituted in the said privilege of prosecuting their claims in manner aforesaid, in the name of the said corporation, and for his own benefit. And all actions, legal or equitable, judgments, decrees, attachments, and executions, against said corporation, which may be pending in any court having competent jurisdiction of the subject, on the first of July, eighteen hundred and forty-two, may proceed according to the forms of law, without abatement, discontinuance, or necessity for revivor, in the same manner as if said corporation were still in existence: *Provided, however*, That the said trustee or trustees, after the first of July, eighteen hundred and forty-five, shall not be liable for any debt due from the said corporation to others than stockholders, except in those cases in which judgments, decrees, attachments, or executions are obtained upon them in actions, whether legal or equitable, which were instituted before the day and year last mentioned.

SEC. 7. *And be it further enacted*, That in the event of a selection of a trustee or trustees as aforesaid, it shall be their duty to advertise the fact for eight weeks successively in two of the newspapers published in the District, one of which shall be selected in Washington, and the other in Alexandria. And it shall also be the duty of the said trustee or trustees to cause a copy of the deed conveying to them in trust as aforesaid to be recorded in the clerk's office of the court for the county of Washington, District of Columbia, and also to forward a copy of the same to the Secretary of State for the United States.

SEC. 8. *And be it further enacted*, That unless the president and directors for the time being of the said corporation shall, on behalf of the stockholders, and in virtue of an authority from them, or from a majority in interest and number of them, file their declaration, in writing, in the office of the Secretary of the Treasury, within six months from the passage of this act, assenting to and accepting the extension of the charter hereby granted, under the terms, conditions, and limita-

Trustee or trustees, if appointed, may, after 1st July 1842, prosecute any action, &c. without abatement, &c.

Persons purchasing the rights, &c. of the trustees in said actions, &c. may prosecute, &c.

All actions, &c. against said corporation, which may be pending on 1st July 1842, may proceed, &c. Proviso.

In the event of a selection of a trustee or trustees, they shall advertise the fact, &c.

Unless the President, &c. file with the Secretary of the Treasury, within six months, a declaration assenting to the charter, the corporation shall

forfeit all right to the extension.

his act to be considered a public act; and acts repugnant hereto, repealed.

tions contained in this act, then [the] said corporation shall forfeit al. right to an extension of charter.

Sec. 9. *And be it further enacted*, That this act shall be considered a public act; and so much and such parts of any act or acts heretofore passed in relation to said corporation as may be repugnant to this act, be, and the same are hereby, repealed and annulled.

APPROVED, May 25, 1838.

STATUTE II.  
May 31, 1838.

[Expired.]

Charters of Farmers' and Mechanics' Bank, Bank of the Metropolis, &c. extended to 4th July, 1840, &c.  
Proviso.

CHAP. XCI.—*An Act to continue the corporate existence of the Banks in the District of Columbia. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the fourth day of July, in the year eighteen hundred and forty: *Provided*, The said banks, each for itself, shall conform to the following conditions:

First. To cease receiving or paying out all paper currency of less denomination than five dollars, on or before the day of the promulgation of this act.

Second. To redeem all their notes of the denomination of five dollars in gold or silver, from and after the first day of August, in the present year.

Third. To resume specie payments in full, on or before the first day of January, in the year one thousand eight hundred and thirty-nine, or sooner, if the principal banks of Baltimore and Richmond should sooner resume specie payments in full.

APPROVED, May 31, 1838.

STATUTE II.

May 31, 1838.

[Obsolete.]

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

*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, in addition to the unexpended balances of former appropriations, out of any unappropriated money in the Treasury, for the naval service, for the year eighteen hundred and thirty-eight, viz:

Pay of officers and seamen.

For the pay of commissioned, warrant, and petty officers, and of seamen, one million three hundred and twelve thousand dollars;

Pay of superintendents, &c. at yards.

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

Provisions.

For provisions, six hundred thousand dollars;

Repairs, &c.

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

Medicines, &c.

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

Portsmouth navy yard.

For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, twenty thousand dollars;

Charlestown navy yard.

For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, seventy-four thousand dollars;

Brooklyn navy yard.

For improvement and necessary repairs of the navy yard at Brooklyn, New York, sixty-one thousand dollars;

(a) An act to revive and extend the charters of certain banks in the District of Columbia, August 25, 1841, chap. 12.

An act to extend the charters of the District banks, June 17, 1844, chap. 98.

For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania, twenty-one thousand five hundred dollars;

Philadelphia navy yard.

For improvement and necessary repairs of the navy yard at Washington, thirty thousand dollars;

Washington navy yard.

For improvement and necessary repairs of the navy yard at Gosport, Virginia, seventy-seven thousand five hundred dollars;

Gosport navy yard.

For improvement and necessary repairs of the navy yard near Pensacola, seventy-six thousand five hundred dollars;

Pensacola navy yard.

For ordnance and ordnance stores, sixty-five thousand dollars;

Ordnance, &c

For defraying the expenses that may accrue for the following purposes, viz; for the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; traveling expenses of officers and transportation of seamen; house rent for pursers when attached to yards and stations where no house is provided; for funeral expenses; for commissions, clerk hire, office rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts martial and courts of inquiry; for printing and stationery of every description, and for working the lithographic press; for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery, and for the repair of steam engines; for the purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for cabin furniture of vessels in commission; taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labour at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil; for repairs of magazines or powder-houses; for preparing moulds for ships to be built, and for no other purpose whatever, four hundred and fifty thousand dollars;

Miscellaneous expenses.

For contingent expenses for objects not hereinbefore enumerated, three thousand dollars;

Contingent expenses.

For pay of the officers, non-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps, one hundred and sixty-two thousand and nineteen dollars;

Pay, &c. of the marine corps.

For provisions for the non-commissioned officers, musicians, and privates serving on shore, servants and washerwomen, forty-nine thousand eight hundred and forty dollars;

Provisions for non-commissioned officers, &c. serving on shore.

For clothing, forty-three thousand six hundred and ninety-five dollars;

Clothing.

For fuel, fifteen thousand eight hundred and four dollars;

Fuel.

For keeping the present barracks in repair until new ones can be erected, and for the rent of temporary barracks at New York, ten thousand dollars;

Repair of barracks, &c.

For transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting, six thousand dollars;

Transportation.

For medicines, hospital stores, surgical instruments, and pay of matron, four thousand one hundred and thirty-nine dollars;

Medicines, &c.

For contingent expenses of said corps, freight, ferriage, toll, wharfage, and cartage, per diem allowance for attending courts of inquiry, compensation to judge advocates, house rent where there are no public quarters assigned, incidental labour in the quartermaster's department, expenses of burying deceased persons belonging to the marine corps, printing, stationery, forage, postage on public letters, expenses in pursuing deserters, candles and oil for the different stations, straw for the men, barrack furniture, bed sacks, spades, axes, shovels, picks, and carpenters' tools, seventeen thousand nine hundred and seventy-seven dollars and ninety-three cents;

Contingent expenses.

Military stores, &c.

Hospital near Pensacola.

Hospital near Norfolk.

Naval asylum near Philada.

Hospital near Brooklyn.

Hospital near Boston.

Magazine upon Ellis's Isl'd.

Magazine, &c. at Norfolk.

Magazine at Pensacola.

Naval asylum at Philada.

Appropriations for the navy.  
Act of March 2, 1833, ch. 67.

For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores, two thousand dollars;

For erecting and furnishing a new hospital building, and for a dwelling for an assistant surgeon; for the repairs of the present building, and for all expenses upon their dependencies near Pensacola, thirty-one thousand five hundred dollars;

For erecting a sea-wall to protect the shore, for enclosing the hospital grounds, for completing the basement of south wing, and for all other expenses upon the dependencies of the hospital near Norfolk, nine thousand dollars;

For graduating and enclosing the grounds about the naval asylum near Philadelphia, and for all other expenses upon the building and its dependencies, two thousand six hundred dollars;

For extending the hospital building near Brooklyn, New York, for enclosing the grounds, and for all other expenses upon its dependencies, sixty thousand dollars;

For completing the present hospital building near Boston, and for all expenses upon its dependencies, three thousand five hundred dollars;

For repairing the enclosure, and for the sea-wall of the magazine upon Ellis's island, in the harbor of New York, three thousand eight hundred dollars;

For repairing the magazine, filling house, wharf, and railway, at Norfolk, Virginia, seven hundred and fifty dollars;

For building a wall round the magazine at Pensacola, three thousand dollars;

For fixtures, furniture, and other incidental expenses at the naval asylum, at Philadelphia, being a balance carried to the surplus fund on the thirty-first December last, twelve hundred and forty-one dollars and thirty-seven cents;

SEC. 2. *And be it further enacted*, That of the amount heretofore appropriated, under the act of the second of March, eighteen hundred and thirty-three, entitled "An act in addition to the act for the gradual improvement of the navy of the United States," and remaining unexpended, the sum of one million five hundred thousand dollars be carried to the surplus fund; and that the sum of one million five hundred thousand dollars is hereby appropriated, out of any unappropriated money in the Treasury, to be paid one half in the year eighteen hundred and thirty-nine, and the other half in the year eighteen hundred and forty, for the purpose of completing contracts now existing, or which may be hereafter made, according to the provisions of the said act of the second of March, eighteen hundred and thirty-three.

APPROVED, May 31, 1838.

STATUTE II.  
May 31, 1838.

CHAP. XCIII.—*An Act to repeal certain provisos of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, eighteen hundred and thirty-two.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisos of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July the fourteenth, eighteen hundred and thirty-two, be, and the same are hereby, repealed.

APPROVED, May 31, 1838.

The proviso of the 10th and 12th clauses of the 2d section of the act of July 14, 1832, ch. 227, repealed.

CHAP. XCVI.—*An Act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa.* (a)

STATUTE II.  
June 12, 1838.

*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 July next, all that part of the present Territory of Wisconsin which lies west of the Mississippi river, and west of a line drawn due north from the head waters or sources of the Mississippi to the Territorial line, shall, for the purposes of temporary government, be and constitute a separate Territorial Government by the name of Iowa; and that from and after the said third day of July next, the present Territorial Government of Wisconsin shall extend only to that part of the present Territory of Wisconsin which lies east of the Mississippi river. And after the said third day of July next, all power and authority of the Government of Wisconsin in and over the Territory hereby constituted shall cease: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now appertaining to any Indians within the said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to impair the obligations of any treaty now existing between the United States and such Indians, or to impair or otherwise to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty or law, or otherwise, which it would have been competent to the Government to make if this act had never been passed: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby esta-

What part of the present territory of Wisconsin shall constitute the territory of Iowa.

The authority of Wisconsin over the territory thus constituted, to cease. Proviso.

Proviso.

- (a) Acts relating to the territory of Iowa:
- An act to divide the territory of Wisconsin, and to establish the territorial government of Iowa, June 12, 1838, chap. 96.
- An act to authorize the President of the United States to cause the southern boundary line of the territory of Iowa to be ascertained and marked, June 18, 1838, chap. 116.
- Appropriation for erecting public buildings in the territory of Iowa; act of July 7, 1838, chap. 169, sec. 5.
- Post-roads in Iowa; act of July 7, 1838, chap. 172.
- An act making a donation of land to the territory of Iowa for the purpose of erecting public buildings thereon, March 3, 1839, chap. 77.
- An act granting to the Judges of the Supreme Court of Iowa, the same compensation as by law is given to the Judges of the Supreme Court of Wisconsin; March 3, 1839, chap. 79.
- Appropriation for the survey of the southern boundary of Iowa; act of March 3, 1839, chap. 81.
- An act to alter and amend the organic law of the territories of Wisconsin and Iowa, March 3, 1839, chap. 90.
- An act granting two townships of land for the use of a university in the territory of Iowa; July 20, 1840, chap. 90.
- Appropriations for the Iowa Territory. Proviso that the Legislative Assembly of the territory shall exceed the amount appropriated by Congress for its annual expenses; act of May 18, 1842, chap. 29.
- An act to authorize the county commissioners of Linn county, in the territory of Iowa, to enter, by legal subdivisions, a quarter section of land, upon which the county seat has been located; July 27, 1842, chap. 104.
- An act regulating the services of the several judges of the territory of Iowa; Aug. 11, 1842, ch. 129, § 117.
- An act to grant pre-emption rights to settlers on the "Dubuque claim," so called, in the territory of Iowa; August 16, 1842, chap. 182.
- An act to authorize the selection of school lands in lieu of those granted to the half-breed of the Sac and Fox Indians; August 23, 1842, chap. 194.
- An act giving the assent of Congress to the holding of an extra session of the Legislative Assembly of the territory of Iowa; April 30, 1844, chap. 16.
- An act making appropriations for certain improvements in the territory of Iowa; June 15, 1844, chap. 66.
- An act respecting the northern boundary of the state of Missouri; June 17, 1844, chap. 97.
- An act to authorize the selection of certain school lands in the territories of Florida, Iowa, and Wisconsin; June 15, 1844, chap. 55.
- An act granting to the county of Dubuque certain lots of ground in the town of Dubuque; June 15, 1844, chap. 56.
- An act for the admission of the states of Iowa and Florida into the Union; March 3, 1845, chap. 48.
- An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes; March 3, 1845, chap. 75.
- An act supplemental to the act for the admission of the states of Iowa and Florida into the Union; March 3, 1845, chap. 76.



blished into one or more other Territories, in such manner and at such times as Congress shall, in its discretion, deem convenient and proper, or from attaching any portion of said Territory to any other state or Territory of the United States.

Executive power vested in a governor; his powers and duties.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over the said Territory of Iowa shall be vested in a Governor, who shall hold his office for three years, unless sooner removed by the President of the United States. The Governor shall reside within the said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve of all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offences against the laws of the said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

A Secretary of the Territory to be appointed. His duties.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of the said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first Monday in December in each year, to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

Secretary to act as governor in case of a vacancy.

Legislative power, how vested.

SEC. 4. *And be it further enacted*, That the legislative power shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall consist of twenty-six members possessing the same qualifications as prescribed for the members of the Council, and whose term of service shall continue one year. An apportionment shall be made as nearly equal as practicable, among the several counties, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the said members of the council and House of Representatives shall reside in and be inhabitants of the district for which they may be elected. Previous to the first election, the Governor of the Territory shall cause the census or enumeration of the inhabitants of the several counties in the Territory to be taken, and made by the sheriffs of the said counties, respectively, unless the same shall have been taken within three months previous to the third day of July next, and returns thereof made by said sheriffs to the Governor. The first election shall be held at such time and place, and be conducted in such manner as the Governor shall appoint and direct; and he shall at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts are entitled under this act. The number of persons authorized to be elected having the greatest number of votes in each of the said counties or districts for the Council, shall be declared by the said Governor to be duly elected to the said Council;

Apportionment of representation.

Members to be inhabitants of the district for which elected.

First election.

Gov'r to declare the persons having the greatest number of votes to be elected.

and the person or persons having the greatest number of votes for the House of Representatives, equal to the number to which each county may be entitled, shall also be declared by the Governor to be duly elected: *Provided*, The Governor shall order a new election when there is a tie between two or more persons voted for, to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place, and on such day as he shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties to the Council and House of Representatives, according to population, shall be prescribed by law, as well as the day of the annual commencement of the session of the said Legislative Assembly; but no session in any year shall exceed the term of seventy-five days.

Proviso.

SEC. 5. *And be it further enacted*, That every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters at all subsequent elections, shall be such as shall be determined by the Legislative Assembly: *Provided*, That the right of suffrage shall be exercised only by citizens of the United States.

Qualifications of voters.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws of the Governor and Legislative Assembly shall be submitted to, and if disapproved by, the Congress of the United States, the same shall be null and of no effect.

Proviso.

Powers of the Legislature. Restrictions.

SEC. 7. *And be it further enacted*, That all township officers, and all county officers, except judicial officers, justices of the peace, sheriffs, and clerks of courts, shall be elected by the people, in such manner as is now prescribed by the laws of the Territory of Wisconsin, or as may, after the first election, be provided by the Governor and Legislative Assembly of Iowa Territory. The Governor shall nominate and by and with the advice and consent of the Legislative Council, shall appoint all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not herein provided for. Vacancies occurring in the recess of the Council, shall be filled by appointments from the Governor, which shall expire at the end of the next session of the Legislative Assembly; but the said Governor may appoint, in the first instance, the aforesaid officers, who shall hold their offices until the end of the next session of the said Legislative Assembly.

Laws to be submitted to Congress for approval.

Officers to be elected by the people.

Officers, how appointed.

Vacancies.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office created, or the salary and emoluments of which shall have been increased, whilst he was a member, during the term for which he shall have been elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, or any of its officers, except as a militia officer, shall be a member of the said Council or House of Representatives, or shall hold any office under the Government of the said Territory.

Disqualifications for office.

SEC. 9. *And be it further enacted*, That the judicial power of the said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice, and two associate judges, any two of whom shall be a quorum, and who shall hold a term at the seat of Government of the

Judicial power, how vested. Supreme court.

District courts.

Jurisdiction  
of the several  
courts.

Proviso.

said Territory annually, and they shall hold their offices during the term of four years. The said Territory shall be divided into three judicial districts; and a district court or courts shall be held in each of the three districts, by one of the judges of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointment, respectively, reside in the districts which shall be assigned to them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of the justices of the peace, shall be as limited by law: *Provided, however,* That justices of the peace shall not have jurisdiction of any matter of controversy, when the title or boundaries of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars. And the said supreme and district courts, respectively, shall possess a chancery as well as common law jurisdiction. Each district court shall appoint its clerk, who shall keep his office at the place where the court may be held, and the said clerks shall also be registers in chancery; and any vacancy in said office of clerk happening in the vacation of said court, may be filled by the judge of said district, which appointment shall continue until the next term of said court. And writs of error, bills of exception, and appeals in chancery causes, shall be allowed in all cases, from the final decisions of the said district courts to the supreme court under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court may appoint its own clerk, and every clerk shall hold his office at the pleasure of the court by which he shall have been appointed. And writs of error and appeals from the final decision of the said supreme court shall be allowed and taken 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 value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars. And each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States. And the first six days of every term of the said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws. And writs of error and appeals from the final decisions of the said courts, in all such cases, shall be made to the supreme court of the Territory, in the same manner as in other cases. The said clerks shall receive in all such cases, the same fees which the clerk of the district courts of Wisconsin Territory now receives for similar services.

An attorney to  
be appointed for  
four years; his  
fees, &c.

A marshal to  
be appointed for  
four years; his  
duties, fees, &c.

SEC. 10. *And be it further enacted,* That there shall be an attorney for the said Territory appointed, who shall continue in office four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States, for the present Territory of Wisconsin. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the present Territory of Wisconsin; and shall, in addition, be paid the sum of two hundred dollars annually, as a compensation for extra services.

Officers to be  
appointed by  
the President,  
with the advice

SEC. 11. *And be it further enacted,* That the Governor, secretary, chief justice, and associate judges, attorney and marshal, shall be nominated, and by and with the advice and consent of the senate, appointed by the President of the United States. The Governor and

secretary to be appointed as aforesaid, shall, before they act as such, respectively, take an oath or affirmation, before some judge or justice of the peace, in the existing Territory of Wisconsin, duly commissioned and qualified to administer an oath or affirmation, [or] before the chief justice, or some associate justice of the Supreme Court of the United States, to support the constitution of the United States, and for the faithful discharge of the duties of their respective offices, which said oaths when so taken, shall be certified by the person before whom the same shall have been taken, and such certificate shall be received and recorded by the said Secretary among the executive proceedings. And, afterwards, the chief justice and associate judges, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation, shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as superintendent of Indian affairs. The said chief justice and associate judges shall each receive an annual salary of fifteen hundred dollars. The secretary shall receive an annual salary of twelve hundred dollars. The said salaries shall be paid quarter-yearly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the sessions thereof; and three dollars each for every twenty miles travel in going to and returning from, the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated, annually, the sum of three hundred and fifty dollars, to be expended by the Governor to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States, for the manner in which the aforesaid sum shall have been expended.

SEC. 12. *And be it further enacted*, That the inhabitants of the said Territory shall be entitled to all the rights, privileges and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants; and the existing laws of the Territory of Wisconsin shall be extended over said Territory, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Iowa; and further, the laws of the United States are hereby extended over, and shall be in force in said Territory, so far as the same, or any provisions thereof, may be applicable.

SEC. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Iowa shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said session, or as soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceed to locate and establish the seat of Government for said Territory, at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And the sum of twenty thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby granted to the said Territory of Iowa, which shall be applied by the Governor and Legislative

and consent of the Senate.

Governor and Secretary to take an oath, &c.

Chief justice and associate judges, &c. to take an oath, &c.

Salary of the Governor.

Salary of the chief judge and associate justices.

Salary of the secretary.

Salaries how paid.

Pay of members of Legislative Assembly.

Contingent expenses of the Territory, &c.

Rights, &c. same as granted to Wisconsin.

Existing laws of Wisconsin extended over Iowa, &c.

Laws U.S. extended over Iowa.

First session of Legislative Assembly held where Governor shall direct.

Seat of Gov't.

\$20,000 appropriated for erection of public buildings at seat of government.

Assembly thereof to defray the expenses of erecting public buildings at the seat of Government.

Delegates to House of Representatives U. S. how elected, &c.

SEC. 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the delegates from the several Territories of the United States, to the said House of Representatives. The first election shall be held at such time and place or places, and be conducted in such manner as the Governor shall appoint and direct. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected.

Suits, &c. undetermined on 3d July next in dist. courts of Wisconsin, west of the Mississippi, shall be transferred, &c.

SEC. 15. *And be it further enacted*, That all suits, process, and proceedings, and all indictments and informations, which shall be undetermined on the third day of July next, in the district courts of Wisconsin Territory, west of the Mississippi river, shall be transferred to be heard, tried, prosecuted and determined in the district courts hereby established, which may include the said counties.

Judicial officers in office on 3d July next, shall act temporarily until their places are filled by Gov't of Iowa.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other executive and judicial officers, who shall be in office on the third day of July next, in that portion of the present Territory of Wisconsin which will then, by this act, become the Territory of Iowa, shall be, and are hereby authorized and required to continue to exercise and perform the duties of their respective offices, as officers of the Territory of Iowa, temporarily and until they, or others, shall be duly appointed to fill their places by the Territorial Government of Iowa, in the manner herein directed: *Provided*, That no officer shall hold or continue in office by virtue of this provision, over twelve months from the said third day of July next.

Proviso.

Causes removed from the courts of Wisconsin, west of the Mississippi, into supreme court of Wisconsin.

SEC. 17. *And be it further enacted*, That all causes which shall have been or may be removed from the courts held by the present Territory of Wisconsin, in the counties west of the Mississippi river, by appeal or otherwise, into the supreme court for the Territory of Wisconsin, and which shall be undetermined therein on the third day of July next, shall be certified by the clerk of the said supreme court, and transferred to the supreme court of said Territory of Iowa, there to be proceeded in to final determination, in the same manner that they might have been in the said supreme court of the Territory of Wisconsin.

Library to be kept at seat of government.

SEC. 18. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be expended by, and under the direction of, the Governor of said Territory of Iowa, in the purchase of a library, to be kept at the seat of Government, for the accommodation of the Governor, Legislative Assembly, judges, secretary, marshal, and attorney of said Territory, and such other persons as the Governor and Legislative Assembly shall direct.

Term of members of council and House of Reps. of Wisconsin to expire, &c.

SEC. 19. *And be it further enacted*, That from and after the day named in this act for the organization of the Territory of Iowa, the term of the members of the Council and House of Representatives of the Territory of Wisconsin shall be deemed to have expired, and an entirely new organization of the Council and House of Representatives of the Territory of Wisconsin as constituted by this act shall take place as follows: As soon as practicable after the passage of this act, the Governor of the Territory of Wisconsin shall apportion the thirteen members of the Council and twenty-six members of the House of Representatives among the several counties or districts comprised within said Territory, according to their population, as nearly as may be (Indians excepted). The first election shall be held at such time as the Go-

Apportionment of members of Council and Ho. Reps.

vernor shall appoint and direct; and shall be conducted, and returns thereof made, in all respects, according to the provisions of the laws of said Territory, and the Governor shall declare the persons having the greatest number of votes to be elected, and shall order a new election when there is a tie between two or more persons voted for, to supply the vacancy made by such tie. The persons thus elected shall meet at Madison, the seat of Government, on such day as he shall appoint, but thereafter the apportioning of the representation in the several counties to the Council and House of Representatives according to population, the day of their election, and the day for the commencement of the session of the Legislative Assembly, shall be prescribed by law.

SEC. 20. *And be it further enacted*, That temporarily, and until otherwise provided by law of the Legislative Assembly, the Governor of the Territory of Iowa may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times for holding courts in the several counties in each district, by proclamation to be issued by him; but the Legislative Assembly, at their first, or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges and alter the times of holding the courts or any of them.

APPROVED, June 12, 1838.

First election, when held, how conducted, &c.

Time and place of meeting.

Gov. of Iowa may temporarily define the judicial districts, assign the judges, and appoint the times of holding the courts.

STATUTE II.

June 12, 1838.

[Obsolete.]

CHAP. XCVII.—*An Act making appropriations for preventing and suppressing Indian hostilities for the year eighteen hundred and thirty-eight, and for arrearages for the year eighteen hundred and thirty-seven.*

*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, out of any money in the Treasury not otherwise appropriated, to defray the expenses which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-eight; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to; and for arrearages of the same for the year eighteen hundred and thirty-seven:

For forage for the horses of the dragoons, volunteers, officers, and in the service of the trains, four hundred thousand dollars;

For freight or transportation of military supplies sent into Florida and the Cherokee country, three hundred and fifty thousand dollars;

For wagons, carts, ambulances, and harness, and for boats and lighters, one hundred and fifty thousand dollars;

For the transportation of supplies from the principal depots to the points of consumption, including the hire of steamboats and other vessels, and the expense of public steamers and transport schooners, seven hundred thousand dollars;

For the hire of a corps of mechanics, laborers, mule-drivers, teamsters, wagon-masters, and other assistants, two hundred and fifty thousand dollars;

For transportation and other expenses of four thousand volunteers, one hundred thousand dollars;

For miscellaneous and contingent charges of all kinds, not embraced under the foregoing heads, seven hundred and fifty thousand dollars;

For drafts lying over, and arrearages for services and supplies in Florida and the Cherokee country, one million forty-eight thousand six hundred dollars;

For pay of four thousand volunteers, for the year eighteen hundred and thirty-eight, including one hundred and fifty-three thousand four

1836, ch. 44.

1836, ch. 254.

To be expended under direction of Sec'y. War, conformably, &c.

Forage for horses.

Freight, &c. of military supplies.

Wagons, carts, &c.

Transportation of supplies from principal depots, &c.

Hire of mechanics, &c.

Transportation, &c. of volunteers.

Miscellaneous and contingent expenses.

Drafts lying over, and arrearages.

Pay of volunteers for 1838,

including arrearages for 1837.

Subsistence for militia, &c.

Purchase of powder, &c.

Tents, knapsacks, &c.

Correcting an error in paying the Indians employed in Florida.

Objects specified in 3d art. of supplementary articles of treaty of 1835 with Cherokees, &c.

Proviso.

Further proviso.

For satisfying all claims for annuities, &c.

hundred and fifteen dollars arrearages for eighteen hundred and thirty-seven, one million four hundred and sixteen thousand two hundred and fifty dollars and thirty-two cents;

For subsistence for militia, volunteers, and friendly Indians, three hundred and sixty-five thousand and forty dollars;

For the purchase of powder and other materials for cartridges, together with the repairs of gun-carriages, small-arms, and accoutrements, thirty-five thousand dollars;

For tents, knapsacks, and other supplies furnished by the clothing bureau, twenty thousand six hundred and seventy-seven dollars and fifty-six cents;

For correcting an error in paying the Indians employed in the public service in Florida, seven thousand seven hundred and seventy-five dollars and fifty-three cents;

Sec. 2. *And be it further enacted*, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, out of any money in the Treasury not otherwise appropriated, in full, for all objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided, further*, That the said Indians shall receive no benefit from the said appropriation, unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the Government.

Sec. 3. *And be it further enacted*, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the President shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars be appropriated out of any money in the Treasury not otherwise appropriated.

APPROVED, June 12, 1838.

## STATUTE II.

June 12, 1838.

[Obsolete.]

Commissions to collectors on bonds postponed by act of Oct. 16, 1837. ch. 8.

Proviso.

CHAP. XCVIII.—*An Act to secure the payment of certain commissions on duty bonds to collectors of customs.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, on all bonds for duties, taken by any collector of the customs, the payment whereof has been at any time postponed by virtue of "An act authorizing a further postponement of payment upon duty bonds," passed on the sixteenth day of October last, the collectors who took said bonds, respectively, or their legal representatives, shall be allowed by the Secretary of the Treasury, and entitled to receive, the same commissions, whenever and as fast as the sums secured by such bonds shall be paid into the Treasury, as they would respectively have been entitled to be allowed and receive had the said bonds been paid at maturity and without such postponement; and no part of such commissions shall be claimed by or allowed to the successor in office of any such collector, in any case in which such successor would not have been entitled by law to a portion thereof, if such postponement of the payment of said bonds had not taken place: *Provided*, That nothing in this act shall be so construed as to give to any collector of the customs, or to the representatives of any such collector, a sum greater than the compensation he would have been entitled to receive in case the law therein referred to, for the suspension of pay-

ment upon revenue bonds, had not been passed, and the said commissions had been paid to the collector, to whom the same are hereby given, during his continuance in office, and at the first maturity of the said bonds.

APPROVED, June 12, 1838.

CHAP. XCIX.—*An Act to create the office of Surveyor of Public Lands in the Wisconsin Territory. (a)*

STATUTE II.

June 12, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a Surveyor for the Territory of Wisconsin shall be appointed, who shall have the same authority, and perform the same duties respecting the public lands and private land claims in the Territory of Wisconsin, as are now vested in and required of the Surveyor of the lands of the United States in Ohio.

A Surveyor to be appointed, who shall have the same authority, &c.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Surveyor for Ohio to deliver to the Surveyor for Wisconsin Territory, all the maps, papers, records, and documents relating to the public lands and private land claims in the said Territory of Wisconsin, which may be in his office; and in every case where it shall be impracticable to make a separation of such maps, papers, records and documents, without injury, it shall be his duty to cause copies thereof, certified by him, to be furnished to the Surveyor for Wisconsin Territory; which copies shall be of the same validity as the originals. And the Secretary of the Treasury is hereby authorized to cause the expense attending the transfer of the records to be paid out of the appropriation for surveying the public lands.

Surveyor for Ohio to deliver to Surveyor for Wisconsin all maps, &c. in his office, relating to lands in Wisconsin; or certified copies.

Expense of the transfer to be paid, &c.

SEC. 3. *And be it further enacted,* That the Surveyor for Wisconsin Territory, to be appointed in pursuance of this act, shall establish his office at the town of Du Buque, in the Territory of Wisconsin; and that he shall be allowed an annual salary of fifteen hundred dollars, to commence at such period as his office shall be in readiness for operation; and he shall be authorized to employ one draughtsman and clerk, whose aggregate compensation shall not exceed sixteen hundred dollars per annum. He shall also be allowed the sum of three hundred and fifty dollars per annum, for office-rent, fuel, and other incidental expenses of his office; to be paid out of any money appropriated for surveying the public lands.

Surveyor of Wisconsin to establish his office at Dubuque. Salary.

Authorized to employ a draftsman and clerk—their salaries. Office rent. &c.

APPROVED, June 12, 1838.

CHAP. C.—*An Act to establish two additional land offices in that part of Wisconsin Territory west of the river Mississippi. (b)*

STATUTE II.

June 12, 1838.

*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 public lands in that part of the Territory of Wisconsin situate west of the river Mississippi, two land districts are hereby created; one of which comprising all the lands south of the east and west line which forms the northern boundary of the township adjoining to, and immediately south of, the township in which the town of Davenport is situate, shall be called the Des Moines land district, the land office for which shall be established at the town of Burlington; and the other district, comprising the lands north of the said east and west line, shall be called the Du Buque land district, the office for which shall be established at the town of Du Buque.

Two land districts created for the sale of the public lands.

Des Moines.

Du Buque—land office at.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of

President to appoint a representative.

(a) See notes to the act establishing the territorial government of Wisconsin, April 20, 1836, chap. 54.

(b) See notes to the act of June 12, 1838, chap. 96.



ter and receiver for each district.

Powers, duties, and compensation.

Public lands in said districts, except, &c. to be exposed to sale.

President authorized to remove the said land offices.

the Senate, a register and receiver of public moneys for each of the said districts, and who shall, respectively, be required to reside at the site of their offices, and have powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to the other land officers of the United States.

SEC. 3. *And be it further enacted*, That the President is authorized to cause the public lands in the said districts with the exception of section numbered sixteen in each township, reserved for the use of schools, or such other lands as may by law be selected in lieu thereof, and of such other tracts as he may select for military or other purposes, to be exposed to sale in the same manner, and upon the same terms and conditions, as the other public lands of the United States.

SEC. 4. *And be it further enacted*, That whenever the President may deem it expedient, he is hereby authorized to remove the said land offices to such other places within those districts as he may judge proper.

APPROVED, June 12, 1838.

#### STATUTE II.

June 12, 1838.

CHAP. CI.—*An Act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin. (a)*

The boundary line between Michigan and Wisconsin, as established by act 15 June 1836, ch. 99, to be surveyed, marked, and designated.

A plat to be made, &c.

Appropriation. Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Surveyor General of the Ohio, Indiana, Michigan and Wisconsin land districts, under the direction of the President of the United States, be, and he is hereby, authorized and required to cause to be surveyed, marked, and designated, the boundary line between the State of Michigan and the Territory of Wisconsin, agreeably to the boundary as established by the act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions, therein expressed," approved June fifteenth, eighteen hundred and thirty-six; and to cause to be made a plat or plan of the boundary between the said State of Michigan and the said Territory of Wisconsin, and return the same to Congress at its next annual session, and that the sum of three thousand dollars be, and the same is hereby appropriated to carry into effect this act: *Provided*, That the whole expense of surveying, marking and designating the said boundary line shall not exceed that sum.

APPROVED, June 12, 1838.

#### STATUTE II.

June 12, 1838.

1846, ch. 89. § 7.

Sec. Treas. to set apart not exceeding two townships of land for the use of a university.

CHAP. CX.—*An Act concerning a seminary of learning in the Territory of Wisconsin.*

*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 to set apart and reserve from sale, out of any of the public lands within the Territory of Wisconsin, to which the Indian title has been, or may be, extinguished, and not otherwise appropriated, a quantity of land not exceeding two entire townships, for the use and support of a university within the said Territory, and for no other use or purpose whatsoever; to be located in tracts of land of not less than an entire section, corresponding with any of the legal divisions into which the public lands are authorized to be surveyed.

APPROVED, June 12, 1838.

(a) See notes to the act of June 12, 1838, chap. 96.

CHAP. CXIV.—*An Act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river. (a)*

STATUTE II.

June 18, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be, and hereby is, granted to the Territory of Wisconsin, for the purpose of aiding in opening a canal to unite the waters of Lake Michigan, at Milwaukee, with those of Rock river, between the point of intersection with said river, of the line dividing townships seven and eight and the Lake Koshkonong, all the land heretofore not otherwise appropriated or disposed of in those sections and fractional sections which are numbered with odd numbers on the plats of the public surveys, within the breadth of five full sections, taken in north and south, or east and west tiers, on each side of the main route of said canal, from one end thereof to the other, and reserving the even numbered sections and fractional sections, taken as above, to the United States; and the said land, so granted to aid in the construction of said canal, shall be subject to the disposal of the Legislature of the said Territory, for the purpose aforesaid, and no other: *Provided*, That the said canal, when completed, and the branches thereof, 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 the United States, or persons in their service, passing through the same: *Provided*, That said main canal shall be commenced within three years, and completed in ten years, or the United States shall be entitled to receive the amount for which any of said land may have been previously sold, and that the title to purchasers under the Territory shall be valid.

Certain lands granted to Wisconsin to aid in opening a canal, &c.

Lands so granted shall be subject to the disposal of the Legislature. Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That so soon as the route of the said main canal shall be definitively located and established, agreeably to an act of the Legislature of said Territory, incorporating the Milwaukee and Rock river Canal Company, approved January fifth, 1838, it shall be the duty of the Governor thereof, to transmit a plat of the same, showing its terminations and its connections with the section-corners of the public surveys, to the Commissioner of the General Land Office, whose duty it shall be to ascertain, under the direction of the President of the United States, the particular lands herein granted to said Territory; and shall cause duplicate lists of the same to be prepared from the plats on file in his office, one of which he shall transmit to the Governor of said Territory, who, or such other person or persons as shall be appointed for the purpose, under the authority of the Legislature of the said Territory, or of the State which may be erected out of the same, after the admission of such State, shall have power to sell or convey the whole, or any part of said land, at a price not less than two dollars and fifty cents per acre, and to give a title in fee simple therefor, to whomsoever shall purchase the whole or any part thereof.

The Governor shall transmit a plat of the route, &c. to the Com. of the Gen. Land Off., who shall ascertain the lands herein granted, and cause lists of them to be prepared, &c.

SEC. 3. *And be it further enacted*, That the alternate sections and fractional sections which shall remain to the United States, agreeably to the first section of this act, shall not be sold for a less sum than two dollars and fifty cents per acre, nor be subject to pre-emption.

Prices of the land.

SEC. 4. *And be it further enacted*, That in reference to the provisions of the first section of this act, where a section shall be divided by the route of the main canal, such section shall be counted (in fixing the lateral limits of said grant) as being on or towards that side of the line next the larger portion of said section, ascertained by reference to the mile-lines and corners of the sections, and the land and water thereby included.

Sections divided by route of main canal, how to be counted.

(a) See notes of the acts relating to the territory of Wisconsin, April 20, 1836, chap. 54.

Whenever the Terr. of Wisconsin shall become a State, such part of the lands hereby granted as may not have been sold shall vest in the State, &c.

Number of shares the State of Wisconsin may hold in said canal, &c.

Provisions relating to the claims of stock, &c.

Proviso.

Wisconsin responsible to the U.S. for all moneys received, &c. if, &c.

Assent of the Legislature required.

The Legislature of Wisconsin may borrow upon a pledge of said lands.

SEC. 5. *And be it further enacted*, That whenever the Territory of Wisconsin shall be admitted into the Union as a State, the lands hereby granted for the construction of the said canal, or such part thereof as may not have been already sold, and applied to that object, under the direction of the Territorial Government, shall vest in the State of Wisconsin, to be disposed of under such regulations as the Legislature thereof may provide, the proceeds of sale to be applied to the construction of the said canal, or of such part thereof as may not have been completed; and the State of Wisconsin shall be entitled to hold, in virtue of the grant hereby made, as many shares of the stock of the said canal as shall be equivalent to the aggregate of all the sums of money arising from the nett proceeds of the sales of the said lands, and applied to the construction of the canal, any thing in the charter of the Milwaukee and Rock river Canal Company to the contrary notwithstanding, and shall be entitled to the same dividends on said stock as any other stockholder; and in the event that the said State shall make no other adequate provision for purchasing out the residue of the stock of the said canal, the dividends of the State stock hereby acquired, and all other proceeds of the sales of the lands hereby granted, shall constitute a fund, and be applied to the extinguishment of the claims of all other stockholders, until the entire stock vested in the canal shall have been acquired by the State: after which, and after the said State shall have been reimbursed for all expenses incurred out of her own proper funds in the construction and repairs of said canal, no other tolls or charge whatever, for the use or navigation of the said canal shall be levied, except to such amount as may be required to keep the said canal and the works appurtenant thereto in good repair, and provide for the collection of the tolls and the superintendence of said canal: *Provided, moreover*, That no part of the said lands shall be sold for less than two dollars and a half per acre, nor any sale made until after three months' public notice thereof, and to the highest bidder; but in case such price cannot be obtained therefor, within five years from the first sale attempted to be made, it shall and may be lawful for the Territorial or State Legislature of Wisconsin to reduce the minimum price of the said lands.

SEC. 6. *And be it further enacted*, That the said State of Wisconsin shall be held responsible to the United States, and for the payment into the Treasury thereof, of the amount of all moneys received upon the sale of the whole or any part of said land, at the price at which the same shall be sold, not less than two dollars and fifty cents per acre, if the said main canal shall not be commenced within three years, and completed within ten years, pursuant to the provisions of the act creating said canal corporation.

SEC. 7. *And be it further enacted*, That, in order to render effectual the provisions of this act, the Legislature of the State to be erected or admitted out of the territory now comprised in Wisconsin Territory, east of the Mississippi, shall give their assent to the same by act to be duly passed.

SEC. 8. *And be it further enacted*, That, for the purpose of securing a better price for the lands hereby granted, and expediting the construction of the said canal, the Territorial Legislature of Wisconsin may borrow, upon a pledge of the said lands, such sum or sums of money as they may think expedient, and defer the sale of said lands, or any part thereof, until such time or times, not exceeding two years beyond the period of the completion of said canal, as they may deem expedient; and for such sum or sums as may be so borrowed, and applied to the construction of said canal, the State of Wisconsin shall be entitled to such interest in the stock of said canal as shall be equivalent thereto in

amount, and the interest so acquired shall be subject to all the obligations and restrictions provided in the last section of this act.

SEC. 9. *And be it further enacted*, That the assent of Congress is hereby given to the act of the Territorial Legislature of Wisconsin entitled an act to incorporate the Milwaukee and Rock river Canal Company, subject to the preceding modifications and to the following provision; that in estimating the principal sum and interest to be paid by the said Territory or the future State of Wisconsin to the stockholders of the said canal, a credit shall be given to the Territory or State for all dividends received by the said stockholders prior to the extinguishment of their interest in the said canal, in the mode provided by the twenty-third section of the said act of incorporation.

Assent of Congress hereby given to the act of the Legislature of Wisconsin, incorporating the Milwaukee and Rock river canal company.

SEC. 10. *And be it further enacted*, That Congress may, at any time until said Territory shall be admitted as a State, prescribe and regulate the tolls to be received by said company; and after said Territory shall be admitted as a State, the Legislature thereof shall possess the like power; and said act of incorporation is hereby approved, subject to the modification and conditions aforesaid.

Tolls.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury shall reserve from sale the lands probably falling within the limits of said grant, and the lands which, by the first section, were reserved to the United States, until the said canal can be located and the lands selected as contemplated by this act, and no pre-emption right shall attach thereto.

Lands probably falling within limits of said grant, &c., to be reserved from sale.

APPROVED, June 18, 1838.

STATUTE II.

CHAP. CXV.—*An Act to reorganize the district courts of the United States in the State of Mississippi. (a)*

June 18, 1838.

1839, ch. 27.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of Mississippi shall be, and the same is hereby, divided into two districts, in the following manner, to wit: The counties of Noxubee, Winston, Attala, Carrol, Bolivar, Coahoma, Tunica, De Soto, Marshal, Tippah, Tishomingo, Itawamba, Monroe, Lowndes, Oaktibbeha, Choctaw, Yalobusha, Tallehatcha, Penola, Lafayette, Pontotoc, and Chickasaw, in said State, shall compose one district, to be called the northern district, and a court shall be held for the said district, at the town of Pontotoc, and the residue of the counties of the said State shall hereafter compose the southern district of Mississippi, and a court shall be held for the same, as heretofore, at the city of Jackson.

Mississippi divided into two districts.

Northern district.

Southern dist.

SEC. 2. *And be it further enacted*, That there shall be two terms of the district court, for the northern district, held at Pontotoc, in each year, to begin on the first Monday of June and December, and the district judge of the United States for the State of Mississippi is hereby required to hold the courts aforesaid.

U. S. district judge for Miss. to hold two terms a year in northern dist.

SEC. 3. *And be it further enacted*, That all causes at law or in chancery, and all indictments pending in the district court at Jackson, in which the defendant or defendants resided in the northern district (hereby established) at the time of serving process or the finding of a bill of indictment, shall be transferred for trial to the district court for the said northern district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerk of the district court at Jackson, safely to transmit to the clerk of the district court at Pontotoc, the original papers in all cases and prosecutions hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

All cases pending in the dist. court at Jackson, &c. to be transferred for trial, &c.

The original papers to be transferred.

(a) See notes of acts relating to the district court of Mississippi, vol. 3, 611.

All suits, not of a local nature, shall hereafter be brought to the court of the district, &c.

The judge of said courts to appoint a clerk for the northern district—his duties, fees, &c.

A marshal and dist. atty. to be appointed for the northern dist.—their duties and liabilities.

Marshal and dist. atty. of the northern dist. to have the same salaries, &c.

SEC. 4. *And be it further enacted*, That all suits hereafter to be brought in either of said courts not of a local nature, shall be brought in the court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send a duplicate writ against the defendant, directed to the marshal of the other district, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of the district court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

SEC. 5. *And be it further enacted*, That the judge of the said courts shall appoint a clerk of the district court of the northern district, who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said courts; said clerk shall be entitled to the same fees allowed by law to the clerk of the other district of the State of Mississippi, perform the like duties, and be subject to the same liabilities and penalties.

SEC. 6. *And be it further enacted*, That a marshal and district attorney shall be appointed in the northern district of the State aforesaid, having the same duties and liabilities, in all respects, as are now possessed by the marshal and district attorney, respectively, in the State of Mississippi; and the said marshal is hereby required to give the same bonds that other marshals are required to give under the laws of the United States, to be approved of and recorded as now directed by law.

SEC. 7. *And be it further enacted*, That the marshal and district attorney for the northern district, shall have the same salaries, fees and compensation, as are allowed and paid to the other marshal and district attorney for the State of Mississippi, under the laws of the United States.

APPROVED, June 18, 1838.

#### STATUTE II.

June 18, 1838.

Act of June 12, 1838, ch. 96. President to cause southern boundary of Iowa to be ascertained and marked.

President to appoint a commissioner to act, &c. in running, &c. the line.

Three maps of the line, &c.

Said line to be run according to acts of 6th March 1820, ch. 22, and 7th June 1836, ch. 86.

CHAP. CXVI.—*An Act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked.*

*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 surveyed, ascertained and distinctly marked, the southern boundary line of the Territory of Iowa, west of the Mississippi river, which divides said Territory from the State of Missouri; and that, for that purpose he shall appoint a commissioner on the part of the United States, who (with the aid of such surveyor or surveyors as may be necessary) shall unite or act in conjunction with a commissioner to be appointed by the State of Missouri and a commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking, and ascertaining said boundary line; and that it shall be the duty of the commissioner so to be appointed by the President as aforesaid, after he shall have ascertained, run, and marked said boundary line, to make three maps or plats thereof, with a description or survey-bill thereof appended to each map or plat; one of which shall be returned to the office of Secretary of State for the United States, one to the office of Secretary of State for the State of Missouri, and one to the Secretary of the Territory of Iowa, and the said commissioner on the part of the United States shall also make a full report of his proceedings in the premises to the Secretary of State for the United States.

SEC. 2. *And be it further enacted*, That the said boundary line shall be run or surveyed, ascertained, and marked in all respects according to, and in pursuance of the provisions of the following acts, wherein the said boundary line is defined and described, to wit: an act of Congress

of the sixth March, eighteen hundred and twenty, entitled, "An act to authorize the people of 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 an act of the seventh June, eighteen hundred and thirty-six, entitled "An act to extend the western boundary of the State of Missouri to the Missouri river:" *Provided, however,* That if either or both of said commissioners to be appointed on the part of the State of Missouri and Territory of Iowa should fail to attend to the aforesaid duty, after reasonable notice by the commissioner on the part of the United States, or if the State of Missouri, or Governor of Iowa, or either of them, should fail to appoint such commissioner on their part, respectively, after reasonable notice from the President of the United States, then, and in that case, the commissioner appointed on the part of the United States shall proceed to execute the duties enjoined by this act with either of said commissioners who may attend, or without the attendance of either or both of said commissioners, as the case may be.

Proviso.

SEC. 3. *And be it further enacted,* That the line to be so run, ascertained, and marked, shall not be deemed to be finally established and ratified by the United States, until the map or plat, and description aforesaid, and also the said report of the commissioner shall be submitted to, and the boundary, as thus ascertained and marked, approved of and ratified by the Congress of the United States.

To be approved by Congress.

SEC. 4. *And be it further enacted,* That, for the purpose of carrying into effect the provisions of this act, the sum of four thousand dollars, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation.

APPROVED, June 18, 1838.

STATUTE II.

CHAP. CXVII.—*An Act making an appropriation for completing the public buildings in Wisconsin.*

June 18, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of twenty thousand dollars be, and the same is hereby, granted and appropriated, out of any unappropriated money in the Treasury, to defray the expenses of completing the public buildings in the Territory of Wisconsin, which are now commenced and partially completed; which said sum, or so much thereof as may be necessary for that purpose, shall be expended according to the act of the Legislative Assembly of Wisconsin, entitled "An act to establish the seat of Government of the Territory of Wisconsin, and to provide for the erection of public buildings," approved December thirty, eighteen hundred and thirty-six: *Provided,* That the commissioners elected in pursuance of the third section of said act, shall cause the said money to be so expended as to accomplish the completion or finishing of said buildings without further expense to the United States.

[Obsolete.]

Appropriation for completing public buildings.

How to be expended.

Proviso.

APPROVED, June 18, 1838.

STATUTE II.

CHAP. CXVIII.—*An Act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said state. (a)*

June 18, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a district court of the United States be, and the same is hereby, established in the western district of the State of Tennessee, for the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby,

A district court U. S. established in the western district of Tennessee.

(a) See notes to the act of January 13, 1831, chap. 1.

Fayette, Hardeman, McNairy, Hardin, and Perry; and that the said court be holden annually on the third Monday in September, at the town of Jackson, in the county of Madison, in said State.

**Jurisdiction.**

SEC. 2. *And be it further enacted*, That the said district court shall be invested with, and exercise, all and every species of jurisdiction now exercised by the district courts of East and West Tennessee.

**To be holden by, &c.**

SEC. 3. *And be it further enacted*, That the said court shall be holden by the judge of the said district courts of East and West Tennessee.

**Concurrent jurisdiction in all civil cases now exercised by the U. S. circuit courts.**

SEC. 4. *And be it further enacted*, That in addition to the jurisdiction hereby invested in said court, it be invested with the exercise of concurrent jurisdiction in all civil cases now exercised by the circuit courts of the United States; and that in all cases where said court shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said court to the Supreme Court of the United States, in the same manner, and upon the same conditions, as appeals may be taken from the circuit courts.

**Appeals to the U. S. Supreme Court.**

**Judge to appoint a clerk.**

SEC. 5. *And be it further enacted*, That at the first term of said court, the judge thereof shall appoint a clerk, in manner, and upon such conditions, as like officers are required by law to be appointed for the said district courts of East and West Tennessee; and that the said clerk perform such duties in regard to the proceedings, orders, judgments, and decrees of said court, as are required by law to be performed by the same officers in the said district courts of East and West Tennessee.

**Duties of the clerk.**

**Process.**

SEC. 6. *And be it further enacted*, That all laws now in force regulating the emanation, execution, and return of the process of said district courts of East and West Tennessee shall, in all things, regulate the emanation, execution, and return of process in the said district court.

**Adjournment.**

SEC. 7. *And be it further enacted*, That if from any cause the judge of said court shall fail to attend and open said court on the first day thereof, then, and in that case, the said court shall stand adjourned from day to day, until four o'clock of the third; and in case he shall fail to attend and open said court by that time, the said court shall stand adjourned until the first day of the next term.

**Intermediate term.**

SEC. 8. *And be it further enacted*, That in case the judge of said court, from any cause, shall fail to hold a regular term of said court, it shall be his duty, if in his opinion the business in said court shall require, to hold an intermediate term of said court, at such time as he shall, by his order, under his hand and seal, direct, addressed to the clerk and marshal of said court, at least thirty days previous to the commencement of said term, and to be published in the several newspapers published in the bounds of said district the same length of time.

**Clerk's fees.**

SEC. 9. *And be it further enacted*, That the clerk of said court shall be entitled to receive such fees and emoluments for his services as are now allowed by law for like services to the clerks of said district courts of East and West Tennessee.

**A marshal to be appointed—his duties, salary, and fees.**

SEC. 10. *And be it further enacted*, That a marshal shall be appointed for said court, whose duty it shall be to execute all orders, judgments, and decrees of said court now authorized by law, and that he receive for his services the sum of two hundred dollars, to be paid out of the public Treasury; and that he be allowed the same fees as are allowed for the same services in the courts of East and West Tennessee.

**A district attorney to be appointed. Salary and fees.**

SEC. 11. *And be it further enacted*, That a district attorney of the United States be appointed for said court, who shall receive in addition to the usual fees of office, the sum of two hundred dollars annually, to be paid out of the public Treasury of the United States

APPROVED, June 18, 1838.

CHAP. CXIX.—*An Act to grant pre-emption rights to settlers on the public lands.*

STATUTE II.

June 22, 1838.

1840, ch. 32.

Qualifications necessary to entitle settlers to the benefits of act of 29th May 1830.

Act of 29th May 1830, ch. 208, revived and continued for two years. Proviso.

Proviso.

Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every actual settler of the public lands, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passage of this act, and for four months next preceding, shall be entitled to all the benefits and privileges of an act entitled "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-ninth eighteen hundred and thirty, and the said act is hereby revived and continued in force two years: *Provided*, That where more than one person may have settled upon and cultivated any one quarter section of land, each one of them shall have an equal share or interest in the said quarter section, but shall have no claim, by virtue of this act, to any other land: *And provided, always*, That this act shall not be so construed as to give a right of pre-emption to any person or persons, in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made, or to the lands lately acquired by treaty with the Miami tribe of Indians, in the State of Indiana, of which proclamation was made by the President of the United States, on the twenty-second day of December, eighteen hundred and thirty-seven, or to any sections, or fractions of sections, of land included within the location of any incorporated town, or to the alternate sections to other alternate sections granted to the use of any canal, railroad, or other public improvement on the route of such canal, railroad, or other public improvement, or to any portions of public lands, surveyed or otherwise, which have been actually selected as sites for cities or towns, lotted into smaller quantities than eighty acres, and settled upon and occupied for the purposes of trade, and not of agricultural cultivation and improvement, or to any land specially occupied or reserved for town lots, or other purposes, by authority of the United States: *And provided further*, That nothing herein contained shall be construed to affect any of the selections of public lands for the purposes of education, the use of salt-springs, or for any other purpose which may have been or may be made by any State, under existing laws of the United States: but this act shall not be so construed as to deprive those of the benefits of this act, who have inhabited, according to its provisions, certain fractions of the public lands within the land district of Palmyra, in the State of Missouri, which were reserved from sale in consequence of the surveys of Spanish and French grants, but are found to be without the lines of said grants. That before any person claiming the benefit of this law shall have a patent for the land which he may claim by having complied with its provisions, he shall make oath before some person authorized by law to administer the same, which oath with the certificate of the person administering it, shall be filed with the register of the proper land office when the land is applied for, and by said register sent to the office of the commissioner of public lands, that he entered upon the land which he claims, in his own right, and exclusively for his own use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatever, by which the title which he might acquire from the Government of the United States should inure to the use or benefit of any one except himself, or to convey or transfer the said land, or the title which he may acquire to the same, to any other person or persons whatever, at any subsequent time; and if such per-

(a) See notes to the act of May 29, 1830, chap. 208, for the acts which have been passed relating to pre-emption rights. 1843, ch. 86.



son, claiming the benefit of this law as aforesaid, shall swear falsely in the premises, he shall be subject to all the pains and penalties for perjury, forfeit the money which he may have paid for the land, and all right and title to the said land, and any grant or conveyance which he may have made in pursuance of such agreement or contract, as aforesaid, shall be void, except in the hands of a purchaser in good faith, for a valuable consideration without notice. And the certificate which shall be filed with the commissioner as aforesaid, shall be taken to be conclusive evidence that the oath was legally administered: *And provided, further*, That it shall be the duty of the President of the United States to cause to be reserved from sale or entry, under the provisions of this or any other law of the United States, any tract or tracts of land reserved to any Choctaw, under the provisions of the treaty of Dancing Rabbit Creek, of one thousand eight hundred and thirty, and also to reserve from sale or entry, a sufficient quantity of the lands acquired by said treaty, upon which no such settlement or improvement has been made, as would entitle the settler or improver to a right of pre-emption under this act, to satisfy the claims of such Indians as may have been entitled to reservations under the said treaty, and whose lands may have been sold by the United States, on account of any default, neglect, or omission of duty on the part of any officer of the United States; such reservation from sale to continue until the claims to reservations under said treaty, shall be investigated by the board of commissioners appointed for that purpose, and their report finally acted on by Congress.

APPROVED, June 22, 1838.

Further provided.  
80.  
Act of Sept. 4,  
1841, § 16.

STATUTE II.  
June 28, 1838.

Act of March  
3, 1843, ch. 94,  
sec. 5.

President authorized to appoint three persons.

CHAP. CXLVII.—*An Act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions. (a)*

*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 appoint three persons, one of whom at least shall be a man of experience and practical knowledge in the construction and use of the steam engine, and the others, by reason of their attainments in science, shall be competent judges of the usefulness of any invention designed to detect the causes of explosion in the boilers; which said persons shall jointly examine any inventions made for the purpose of detecting the cause, and preventing the explosion of boilers, that shall be presented for their consideration; and, if any one or more of such inventions or discoveries justify, in their judgment, the experiment, and the inventor desires that his invention shall be subjected to the test, then the said persons may proceed and order such preparations to be made, and such experiments to be tried, as, in their judgment, may be necessary to determine the character and usefulness of any such invention.

SEC. 2. *And be it further enacted*, That the said board shall give notice of the time and place of their meeting to examine such inventions, and shall direct the preparations to be made, and the experiments to be tried, at such place as they shall deem most suitable and convenient for the purpose; and shall make full report of their doings to Congress at their next session.

SEC. 3. *And be it further enacted*, That, to carry into effect the foregoing objects, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of six thousand dollars; and so much thereof as shall be necessary for the above purposes shall be subject to the order of the said board, and to defray such

The board to give notice of the time and place of their meeting.

Appropriation.

(a) An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam; July 7, 1838, chap. 191. Act of July 7, 1838, ch. 163. 1852, ch. 106.

expenses as shall be incurred by their direction, including the sum of three hundred dollars, to each, for his personal services and expenses; *Provided, however,* That their accounts shall be settled at the Treasury, in the same manner as those of other public agents.

APPROVED, June 28, 1838.

Allowance to each of said board.  
Proviso.

CHAP. CXLVIII.—*An Act relating to the Orphans' Court of Alexandria county, in the District of Columbia.*

STATUTE II.  
June 28, 1838.

*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 Secretary of the Treasury pay to the judge of the orphans' court of Alexandria county, in the district of Columbia, in quarterly payments, out of any unappropriated money in the Treasury, the sum of one thousand dollars per annum, in lieu of all other compensation for his services as judge of said court.

APPROVED, June 28, 1838.

Pay of the Judge.

CHAP. CL.—*An Act to confirm the act of the Legislative Council of Florida, incorporating the "Florida Peninsula Railroad and Steamboat Company," and granting the right of way to said company through the public lands, and for other purposes.*

STATUTE II.  
June 28, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act passed by the Legislative Council of Florida, entitled "An act to incorporate the Florida Peninsula Railroad and Steamboat Company," approved eighth January, eighteen hundred and thirty-eight, be, and the same is hereby, ratified and confirmed: *Provided, however,* That the said company shall not be deemed to have, nor shall they exercise, banking privileges; nor shall the said act be so construed as to give or grant banking privileges to said company; and in case the said company shall exercise banking privileges, of any description, in any way or manner, then this confirmation or ratification of said act of incorporation shall be void and of no effect.

Act of the Legislature of Florida, incorporating, &c. confirmed.

Proviso.

SEC. 2. *And be it further enacted,* That the right of way shall be, and is hereby, granted to said company over and through any of the public lands of the United States over which the said road may pass: *Provided,* That the said land to be used and occupied by said company for the line or route of such road shall not exceed eighty feet in width.

Right of way through the public lands, granted.  
Proviso.

SEC. 3. *And be it further enacted,* That the said company shall have the right to take from the public lands in the vicinity of said road and within twenty rods of the centre thereof, on each side, all such materials of earth, stone, or wood as may be necessary or convenient for the actual construction of said road or any part thereof; and, during the construction of said road, to occupy said lands to the width aforesaid, so far as may be necessary to the convenient performance of said work: *Provided, however,* That the rights and privileges granted by this section shall be so exercised as to cause as little damage as possible to the public lands adjacent to said road; and proper drains or sluices shall be constructed by the said company so as to prevent the obstruction of any streams or water-courses which may be crossed by said road.

Right to take from the public lands earth, stone, or wood.

Proviso.

SEC. 4. *And be it further enacted,* That there shall be, and are hereby, granted to the said company all necessary sites for watering-places, depots, and workshops, along the line of road: *Provided,* That no one depot or watering place shall contain over four square acres, to be laid off in a square form; and not more than one of said squares shall be granted to or taken by said company for each ten miles of said road.

Sites granted for watering places, &c.  
Proviso.

SEC. 5. *And be it further enacted,* That the said company shall, with

Route to be surveyed, &c.

as little delay as may be convenient, and at all events within one year from the passage of this act, and at their own expense, cause the route of said road and the sites which they may select for depots, watering-places, or workshops, to be surveyed and designated through said public lands by plain marks and monuments; and copies of the field-notes of the survey, with a map or plat of the said route and of said sites and of the connection of said route with the previous official surveys of the adjacent lands, shall be returned to the office of the Surveyor General of that land district and to the General Land Office at Washington.

If the road shall be abandoned, this act to be void.

SEC. 6. *And be it further enacted*, That if the said road shall be abandoned or discontinued, or if the route shall cease to be used by said company for the purposes of a railroad, then and in that case this act and the privileges hereby granted shall cease and be void, and the land occupied by said road shall revert to the United States.

Tolls.

SEC. 7. *And be it further enacted*, That Congress may at any time, until said Territory shall be admitted as a State, prescribe and regulate the tolls to be received by said company, and after said Territory shall be admitted as a State, the Legislature thereof shall possess the like power, and said act of incorporation is hereby approved, subject to the modifications and conditions aforesaid.

APPROVED, June 28, 1838.

#### STATUTE II.

June 28, 1838.

CHAP. CLIII.—*An Act to provide for paying certain pensions at Tuscaloosa, in the State of Alabama.*

Sec. War authorized to establish a pension agency at Tuscaloosa.

*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 hereby is, authorized and empowered to establish a pension agency at Tuscaloosa, in the State of Alabama, for the payment of pensioners of the United States resident in the counties of Pickens, Sumter, Green, Marengo, Perry, Bibb, Tuscaloosa, Jefferson, Walker, Fayette, Shelby, Randolph, and Talladega, in the State of Alabama: *Provided*, That no additional expense shall be incurred in the establishment of said pension agency.

Proviso.

Sec. Treas. to make arrangement for said payment.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, authorized to make the necessary arrangements for the payment of said pensioners.

APPROVED, June 28, 1838.

#### STATUTE II.

July 5, 1838.

CHAP. CLIV.—*An Act to extend the charter of the Bank of Alexandria, in the city of Alexandria. (a)*

So much of act 25th Feb. 1836, ch. 40, as relates to the Bank of Alexandria, extended, &c.

*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 to extend the charters of the Bank of Columbia, in Georgetown, and the Bank of Alexandria, in the city of Alexandria," approved the twenty-fifth February, eighteen hundred and thirty-six, as relates to the Bank of Alexandria in the city of Alexandria, be, and the same is hereby, extended in its duration to the fourth of March, eighteen hundred and forty-one.

APPROVED, July 5, 1838.

#### STATUTE II.

July 5, 1838.

CHAP. CLVII.—*An Act to grant to Cherokee county, Alabama, the tract of land on which the seat of justice of said county has been located.*

A tract of land on the Coosa river granted to

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, granted to the county of Cherokee, in the State of Alabama,

(a) See notes to the act of May 31, 1838, chap. 91.

the tract of land lying on the Coosa river, whereon the town of Jefferson is situated, in said county, containing one hundred and fifty acres, according to the survey of S. R. Russell, county surveyor for the seat of justice of said county, instead of the quarter section allowed by law for the same purpose; the commissioners of said county paying for the same the minimum price as in other cases.

APPROVED, July 5, 1838.

Cherokee county, &c.

CHAP. CLVIII.—*An Act to modify the last clause of the fifth section of the deposit act of the twenty-third of June, eighteen hundred and thirty-six.*

STATUTE II.

July 5, 1838.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the last clause of the fifth section of the act entitled "An act to regulate the deposits of the public money," approved on the twenty-third day of June, eighteen hundred and thirty-six, declaring that the notes or bills of no bank shall be received in payment of any debt due to the United States, which shall, after the fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars, shall be, and the same is hereby, so far modified as that the interdiction as to the reception of the bills and notes shall not continue against any bank which has, since the said fourth day of July, in the year one thousand eight hundred and thirty-six, issued bills or notes of a less denomination than five dollars, or which shall issue any such bills or notes prior to the first day of October, in the year eighteen hundred and thirty-eight, but that from and after the said last mentioned day, the bills or notes of no bank shall be received in payment of any debt due to the United States, which bank shall, after that date, issue, re-issue, or pay out any bill or note of a denomination less than five dollars.

Act of June 23, 1836, ch. 115, last clause, modified as to issues of notes under five dollars.

APPROVED, July 5, 1838.

CHAP. CLIX.—*An Act to amend "An act authorizing the Secretary of War to establish a pension agency in the town of Decatur in the State of Alabama, and to provide for the payment of certain pensioners in the said town of Decatur."*

STATUTE II.

July 5, 1838.

Act of June 27, 1834, ch. 91.

*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, if in his opinion necessary, to remove and establish said pension agency in the town of Huntsville, Alabama; and, in the event of said removal, the pensioners described in said act shall be paid in Huntsville.

Sec. War empowered to remove pension agency at Decatur to Huntsville Ala.

APPROVED, July 5, 1838.

CHAP. CLX.—*An Act to authorize vessels bound for the ports of Mexico, and prevented from completing the voyages in consequence of the existing blockade of those ports, to enter and store their cargoes in the ports of the United States.*

STATUTE II.

July 5, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any vessel which may have been turned off from her port of destination in Mexico, by the blockading squadron, may land and store her cargo in any port of the United States into which she may first enter, to be kept under the custody of the custom-house, free from duty or any other charge except the usual storage: *Provided,* The said cargo be re-exported within twelve months from the time of its being so stored, and the provisions of the existing laws relating to the importation of goods, with the privilege of re-exportation without the payment of duty, or with the

Vessels turned off from their destination in Mexico by the blockading squadron, may, &c.  
PROVISO.

privilege of a drawback of duty, shall be applicable to goods entered and stored under the provisions of this act, except as is herein otherwise provided.

APPROVED, July 5, 1838.

# STATUTE II.

July 5, 1838.

CHAP. CLXI. — *An Act to authorize the issuing of patents to the last bona fide transferee of reservations under the treaty between the United States and the Creek tribe of Indians which was concluded on the twenty-fourth of March, eighteen hundred and thirty-two.*

The President to cause patents to issue to the last purchasers, &c. of Indian selections, &c.

*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 and required to cause patents to be issued to such person or persons as may be the bona fide purchaser, owner, assignee, or transferee of any selection or reservation which has been made to, or in behalf of, any chief or head of an Indian family, under a treaty concluded between the United States and the Creek tribe of Indians, at Washington city, on the twenty-fourth day of March, eighteen hundred and thirty-two, whatever may be the number of intermediate transfers or assignments: *Provided,* The person or persons applying for such patent or patents shall adduce satisfactory proof to the Commissioner of the General Land Office of the fairness of said several preceding transfers or assignments.

Proviso.

APPROVED, July 5, 1838.

# STATUTE II.

July 5, 1838.

Act of May 23, 1836, ch. 80.

CHAP. CLXII. — *An Act to increase the present military establishment of the United States, and for other purposes. (a)*

One company to be added to each of the regiments of artillery, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner as authorized by existing laws, with the exceptions hereafter mentioned; that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the Ordnance Department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized under the direction of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

Organization.

A regiment of infantry to be raised.

The President authorized to increase the corps of engineers.

SEC. 2. *And be it further enacted,* That the President of the United States be and he is hereby, authorized to add to the corps of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and six second lieutenants; and that the pay and emoluments of the said corps shall be the same as those allowed to the officers of the regiment of dragoons.

Pay and emoluments.

(a) An act supplementary to an act entitled, An act to increase the present military establishment of the United States, and for other purposes; July 7, 1838, chap. 194.

An act to amend an act regulating the pay and emoluments of brevet officers, passed April 16, 1818; March 3, 1839, chap. 85.

An act regulating the organization of the army, and for other purposes; August 23, 1842, chap. 186.

An act to repeal so much of the act approved the twenty-third of August, one thousand eight hundred and forty-two, as requires the second regiment of dragoons to be converted into riflemen, after the fourth day of March, one thousand eight hundred and forty-three; April 4, 1844, chap. 11.

SEC. 3. *And be it further enacted*, That so much of the act passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby repealed; and that the paymaster so authorized and provided be attached to the pay department, and be in every respect, placed on the footing of other paymasters of the army.

Act of April 29, 1812, ch. 72.

Paymaster to be attached to pay dep't., &c.

SEC. 4. *And be it further enacted*, That the corps of topographical engineers shall be organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

Corps of topographical engineers.

SEC. 5. *And be it further enacted*, That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and twenty-four; that the pay and emoluments to the officers of said corps shall be the same as are allowed to officers of similar rank in the regiments of dragoons.

Vacancies in, how to be filled.

Act of April 30, 1824, ch. 46. Pay and emoluments.

SEC. 6. *And be it further enacted*, That the authority to employ civil engineers, in the act of the thirtieth of April, eighteen hundred and twenty-four, be and the same is hereby repealed after the passage of this act.

Authority given in act of 30th April, 1824, ch. 46, to employ civil engineers, repealed.

SEC. 7. *And be it further enacted*, That the President of the United States shall be and he is hereby, authorized to appoint so many assistant adjutants general, not exceeding two, with the brevet rank, pay, and emoluments of a major, and not exceeding four, with the brevet rank, pay and emoluments of a captain of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and in addition to their own, shall perform the duties of assistant inspectors general when the circumstances of the service may require.

The President authorized to appoint so many assistant adjutants general as he may deem necessary, &c.

SEC. 8. *And be it further enacted*, That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

Pay and emoluments of officers taken from the line and transferred to the staff.

Their rank and promotion.

SEC. 9. *And be it further enacted*, That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to add to the quartermaster's department not exceeding two assistant quartermasters general with the rank of colonel, two deputy quartermasters general, with the rank of lieutenant colonel, and eight assistant quartermasters with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermaster's department, shall be the same as are allowed to officers of similar rank in the regiments of dragoons: *Provided*, That all appointments in the quartermaster's department shall be made from the army, and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank, and be separated from the line of the army; and that promotion in said department shall take place as in regiments and corps.

The President authorized to add to the quartermaster's department.

Rank. Pay and emoluments.

Proviso.

1838, ch. 194.

SEC. 10. *And be it further enacted*, That the quartermaster general be and he is hereby authorized from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive each forty dollars per month, and three rations per day, and forage

Qr. Mr. Gen. authorized to employ forage-masters and wagon-masters.

for one horse; and neither of whom shall be interested or concerned, directly or indirectly, in any wagon or other means of transport employed by [the] United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

Increase of the commissariat of subsistence.

SEC. 11. *And be it further enacted*, That there be added to the commissariat of subsistence one assistant commissary general of subsistence, with the rank, pay and emoluments of a lieutenant colonel of cavalry, one commissary of subsistence with the rank, pay and emoluments of a quartermaster of the army; and three commissaries of subsistence with the rank, pay and emoluments of assistant quartermasters.

Pay of stewards of hospitals.

SEC. 12. *And be it further enacted*, That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing and rations of a sergeant of ordnance, and, at all other posts, the pay, clothing and rations of the first sergeant of a company of infantry.

The President authorized to increase the ordnance dep't.  
1838, ch. 194.

SEC. 13. *And be it further enacted*, That the President of the United States, be and he is hereby authorized to add to the ordnance department, whenever he may deem it expedient to increase the same, by and with the advice of the Senate, two majors, and that he be further authorized to transfer ten first lieutenants and ten second lieutenants from the artillery to the ordnance department, and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiment of dragoons.

Pay and emoluments.

Construction to be given to 4th sec. act 5th April 1832, ch. 67.

SEC. 14. *And be it further enacted*, That so much of the fourth section of the act passed fifth of April eighteen hundred and thirty-two for the organization of the ordnance department, as authorizes the officers of ordnance to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act passed second of March eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases: *Provided*, That the officers of the ordnance department claiming the compensation for such duties and responsibilities shall have been actually in the command of enlisted men of the ordnance equal to a company of artillery, and thereby incurred the aforesaid responsibilities.

1827, ch. 42.  
Proviso.

All commissioned officers, &c. to receive an additional ration for every five years' service.  
Proviso.

SEC. 15. *And be it further enacted*, That every commissioned officer of the line or staff exclusive of general officers shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the army of the United States: *Provided*, That in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.

Period of enlistments.

SEC. 16. *And be it further enacted*, That from and after the passing of this act, all enlistments in the Army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars, to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal, nine dollars; and to each musician and private soldier, eight dollars; *Provided*, that two dollars per month of said pay be retained until the expiration of his term of service.

Pay of non-commissioned officers and soldiers.

Proviso.  
1838, ch. 194.

Allowance of sugar and coffee in lieu of spirit or whiskey.

SEC. 17. *And be it further enacted*, That the allowance of sugar and coffee to the non-commissioned officers, musicians and privates, in lieu of the spirit or whiskey component part of the army ration, now

directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar to every one hundred rations, to be issued weekly when it can be done with convenience to the public service, and, when not so issued, to be paid for in money.

SEC. 18. *And be it further enacted*, That it shall be lawful for the officers composing the council of administration at any post, from time to time, to employ such person as they may think proper to officiate as chaplain who shall also perform the duties of schoolmaster at such post; and the person so employed shall, on the certificate of the commanding officer of the post, be paid such sum for his services, not exceeding forty dollars per month, as may be determined by the said council of administration, with the approval of the Secretary of War; and, in addition to his pay, the said chaplain shall be allowed four rations per diem, with quarters and fuel.

Employment of persons to act as chaplains.  
1838, ch. 194.

Pay, &c.

SEC. 19. *And be it further enacted*, That an additional professor be appointed to instruct in the studies of chemistry, mineralogy, and geology with the pay and emoluments now allowed to the professor of mathematics; and that the Secretary of War may assign to the said professor an assistant, to be taken from the officers of the line or cadets: which assistant professor will receive the pay and emoluments allowed to other assistant professors.

An additional professor of chemistry, &c.

Assistant to said professor.

SEC. 20. *And be it further enacted*, That whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, paymasters be and hereby are authorized and empowered by and with the approbation of the Secretary of War to employ citizens to perform that duty, at salaries not to exceed five hundred dollars per annum, each.

Paymaster's clerks.

SEC. 21. *And be it further enacted*, That all letters and packages on public business, to and from the commanding general, the colonel of ordnance, the surgeon general, and the head of the topographical corps, shall be free from postage.

Letters and packages on public business to be free of postage.

SEC. 22. *And be it further enacted*, That the President shall be and he is hereby authorized, whenever he may deem the same expedient, to cause not exceeding two of the regiments of infantry to be armed and equipped and to serve as regiments of riflemen, and one other of the regiments of infantry to be armed and equipped and to serve as a regiment of light infantry.

Regiment of riflemen.  
Regiment of light infantry.

SEC. 23. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be and the same are hereby repealed.

Acts inconsistent with this act repealed.

SEC. 24. *And be it further enacted*, That hereafter the officers of the pay and medical departments of the army shall receive the pay and emoluments of officers of cavalry of the same grades respectively, according to which they are now paid by existing laws.

Pay of officers of the pay and medical department.

SEC. 25. *And be it further enacted*, That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to appoint as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability, and receive the same pay and emoluments, as are now provided for paymasters of the army: *Provided, however*, That the number so appointed shall not exceed one for every two regiments of militia or volunteers: *And provided also*, That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

The President authorized to appoint additional paymasters.

Their duties, &c.

Proviso.

Proviso.

SEC. 26. *And be it further enacted*, That the compensation hereafter to be allowed to such ordnance storekeepers as shall be designated as

Compensation of ordnance



storekeepers designated as paymasters.  
Duties of engineers.

Compensation therefor.  
1838, ch. 194.  
Proviso.

Time of service of cadets increased.

Three months' extra pay given in lieu of the bounty, &c.

1833, ch. 194.

Land granted for ten consecutive years' service.

Repealed,  
1838, ch. 194.  
So much of acts 16th March, 1802, ch. 9, and 12 April, 1808, ch. 43, as fix the height of enlisted men, repealed.

Officers not to be separated from their regiment to engage in civil works, &c.

Proviso.

Pay, &c. of superintendents of armories.

Seven additional surgeons to be appointed.

Pay, &c.

paymasters, shall not exceed the pay and emoluments of a captain of ordnance.

SEC. 27. *And be it further enacted*, That it shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and as a compensation therefor, may be allowed by the Secretary of War at the rate of two dollars per diem, during the continuance of such disbursements: *Provided*, That the whole amount of emolument shall not exceed one per cent. on the sum disbursed.

SEC. 28. *And be it further enacted*, That the term for which cadets hereafter admitted into the Military Academy at West Point shall engage to serve, be and the same is hereby increased to eight years, unless sooner discharged.

SEC. 29. *And be it further enacted*, That in lieu of the bounty now provided by law for re-enlistment, every able-bodied non-commissioned officer, musician or private soldier, who may re-enlist into his company or regiment within two months before or one month after the expiration of his term of service, shall receive three months' extra pay; and also any non-commissioned officer or soldier who shall serve ten consecutive years, and shall obtain from the commanding officer of his company, battalion or regiment, a certificate that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such conditions as may be provided by law, which land shall be patented to the soldier or his heirs, and be not assignable until patented.

SEC. 30. *And be it further enacted*, That so much of the eleventh section of the act of the sixteenth March, eighteen hundred and two, and so much of the fifth section of the act of the twelfth of April, eighteen hundred and eight, as fix the height of enlisted men at five feet six inches, be and the same are hereby repealed.

SEC. 31. *And be it further enacted*, That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies, and no officer of the line of the army shall hereafter be employed as acting paymaster, or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper: *Provided*, That where officers of the army are now employed on civil works or in the Indian or pay departments as contemplated in this section, they may be continued therein not exceeding one year, unless the convenience of the service will admit of their withdrawal sooner.

SEC. 32. *And be it further enacted*, That the superintendents of the armories at Springfield and Harper's Ferry shall hereafter receive each the sum of fifteen hundred dollars, and rations, fuel, and quarters, as at present authorized; and that the master armorers of the same shall each receive the sum of twelve hundred dollars, and fuel, and quarters, as at present authorized; and that the aforesaid sums and allowances to the officers aforesaid shall be in full compensation for their services respectively.

SEC. 33. *And be it further enacted*, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint seven additional surgeons; and that the officers whose appointment is authorized in this section, shall receive the pay and allowances of officers of the same grades respectively.

APPROVED, July 5, 1838.

STATUTE II.

July 7, 1838.

CHAP. CLXIII.—*An Act supplementary to the act entitled "An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions," approved twenty-eighth day of June, eighteen hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing in the act to which this is additional shall be construed to exclude from the consideration and examination of the commissioners, any plan of a steam engine, for propelling boats constructed without a boiler.

Act of June 28, 1838, ch. 147—supplement.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CLXIV.—*An Act making appropriations for certain roads in the Territory of Florida.*

[Obsolete.]

*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, for repairing and opening certain roads in the Territory of Florida, viz :

Appropriation.

For opening and constructing a road from Tallahassee to Iola, on the river Appalachicola, the sum of ten thousand dollars.

From Tallahassee to Iola.

For repairing the road, and reconstructing the bridges and causeways thereon, from St. Augustine to Picolata, seventeen thousand three hundred dollars.

From St. Augustine to Picolata.

For repairing the road from Jacksonville, by the Mineral Springs, to Tallahassee, the sum of ten thousand dollars: the said sums to be expended under the direction of the Secretary of War, out of any money in the Treasury not otherwise appropriated.

From Jacksonville to Tallahassee.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CLXV.—*An Act to authorize the sale of certain public lands of the United States near the Wabash and Erie canal, in the State of Ohio.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That after the State of Ohio shall have completed the selection of lands authorized by an act entitled "An act authorizing the selection of certain Wabash and Erie canal lands, in the State of Ohio, approved June thirty, eighteen hundred and thirty-four, the President of the United States shall be, and he hereby is, authorized to proclaim for public sale the residue of the lands reserved from sale by said act; which sale shall be governed by the same rules and regulations, impose the same duties, and give the same rights, which are provided by the existing laws in relation to other sales of the public lands by proclamation of the President: *Provided, however,* That no lands shall be sold at such sale for a less price than two dollars and fifty cents per acre.

The President authorized to proclaim for public sale the residue of lands reserved by act of June 30th, 1834, ch. 137.  
Act of March 2, 1827, ch. 56.  
Act of March 3, 1845, ch. 42.  
Proviso.

SEC. 2. *And be it further enacted,* That after the expiration of the time fixed in the proclamation of the President for the sale authorized in the first section of this act, any lands which may then remain unsold shall be subject to sale at private entry, at the price of two dollars and fifty cents per acre, and not less; and no lands hereby authorized to be sold shall be subject to entry under any pre-emption law of Congress.

Afterwards, any lands unsold shall be subject to private entry, &c.

Not subject to entry under pre-emption laws.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

Time extended to August 10, 1840, and by Act of Aug. 19, 1841, ch. 10, further extended.

All entries and surveys heretofore made, &c. shall be good, &c.

Proviso.

Proviso.

No patent shall issue for a greater quantity of land than the rank or term of service of the officer or soldier, to whom said warrant issued, would have entitled him to, under the laws of Virginia.  
1839, ch. 73.

Proviso.

## STATUTE II.

July 7, 1838.

[Obsolete.]  
Com. of Public Buildings to cause a court-house to be erected in Alexandria, &c.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the Little Miami and Scioto rivers, northwest of the river Ohio, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed until the tenth day of August, in the year one thousand eight hundred and forty, to complete their locations and surveys, and return their surveys and warrants, or certified copies thereof, to the General Land Office; and all entries and surveys which may have heretofore been made within the said reservation, in satisfaction of any such warrants, on lands not previously entered or surveyed, or on lands not prohibited from entry and survey, shall be held to be good and valid, any omission heretofore to extend the time for the making of such entries and surveys to the contrary notwithstanding: *Provided*, That no locations as aforesaid, within the abovementioned tract, shall, after the passage of this act, be made on tracts of land which may have been previously patented, or which may have been surveyed in satisfaction of warrants granted for the legal bounties of said officers and soldiers: *And provided, also*, That no locations as aforesaid shall be made on any lands lying upon the west side of Ludlow's line; and any patent which may nevertheless be obtained for land located contrary to the provisions of this act, shall be held and considered as null and void.

SEC. 2. *And be it further enacted*, That no patent shall be issued by virtue of the preceding section, for a greater quantity of land than the rank or term of service of the officer or soldier to whom, or to whose heirs or assigns, such warrant has been granted, would have entitled him to under the laws of Virginia and of the United States regulating the issuing of such warrants; and whenever it appears to the Secretary of War that the survey made by any of the aforesaid warrants is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on each survey, the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War, and resurvey his location, excluding such surplus quantity, in one body, from any part of his resurvey, and a patent shall issue upon such resurvey as in other cases: *Provided, however*, That no patent shall be obtained on any warrant under this act, unless there be produced to the Secretary of War satisfactory evidence that such warrant was granted for services which, by the laws of Virginia passed prior to the cession of the Northwestern Territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands; and, also, a certificate of the register of the land office of Virginia, that no other warrant has issued from the said land office for the same services.

APPROVED, July 7, 1838.

CHAP. CLXVII.—*An Act for the erection of a court-house in Alexandria, in the District of Columbia.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioner of the Public Buildings in the city of Washington be, and he is hereby, authorized and directed to cause to be erected in the town of Alexandria, in the District of Columbia, a court-house, to contain

(a) See notes of the acts relating to Virginia land warrants, vol. 1, 464.

all the offices and accommodations necessary for the court, clerk, marshal, and jurors of the county of Alexandria, and for the accommodation of the orphans' court for the said county of Alexandria; the plan of which building shall be submitted to and approved by the President of the United States before the commencement and operation thereon; or, if the President of the United States deems it more conducive to the public interest, he is hereby authorized to purchase the building owned by the late Bank of Alexandria, and convert it into a court-house and offices for the county of Alexandria. And there is hereby appropriated, for the purpose of erecting said court-house, the sum of not exceeding fifteen thousand dollars; to be paid out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no greater sum than is appropriated by this act shall be expended in the erection of said court-house or the purchase of the building aforesaid.

APPROVED, July 7, 1838.

Appropriation.

Proviso.

CHAP. CLXVIII.—*An Act to reorganize the Legislative Council of Florida and for other purposes.* (a)

STATUTE II.

July 7, 1838.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the legislative power of the Territory of Florida shall be vested in the Governor and the Legislative Council. The Legislative Council shall consist of two houses, to be called the Senate and House of Representatives. The House of Representatives shall be organized and the members thereof shall be chosen as is now prescribed by law for the present Legislative Council; and in addition to the present number, there shall be one member chosen for the county of Calhoun, one for the county of Dade, and an additional member for the county of Duval. The Senate shall consist of eleven members, to be chosen as follows: three shall be chosen from the western judicial district, including the county of Franklin, by general ticket of the qualified voters of the counties of said district, including the said county of Franklin; four from the middle judicial district, east of the Appalachian river, to be chosen also by general ticket of the qualified voters of the counties of said district, so limited as aforesaid; three from the eastern judicial district, to be chosen also by general ticket of the qualified voters of the counties of said district; and one from the southern judicial district, to be chosen also by general ticket of the qualified voters of the counties for said district. Said Senators shall be elected for the term of two years.

Legislative power of Florida, how vested.

Legislative Council.

Senate—how chosen, &c.

Term of election.

SEC. 2. *And be it further enacted*, That the members of said Legislative Council shall receive each four dollars per diem during the session thereof, and four dollars for every twenty miles' travel to and from the seat of Government; the distance to be computed by the most direct route from the member's place of residence to the place where the session [is held.]

Pay and mileage of Legislative Council.

SEC. 3. *And be it further enacted*, That the said Senators shall be elected in October next, at the same time, in the same manner, and by the same qualified voters as is now prescribed by law for the election of members of the present Legislative Council, and biennially thereafter, in the manner that may be prescribed by the said Legislative Council; and the returns of the election of said Senators shall be made by the marshals of each of said districts to the Governor, in such manner as shall be prescribed by the Governor.

Senators, when to be elected, &c.

SEC. 4. *And be it further enacted*, That the Legislative Council, by and with the consent of the Governor, are hereby vested with full power, at their first session or at any time thereafter, to apportion the representatives of either House of said Legislative Council as to them may

Legislative Council vested with power to apportion the

(a) For the acts relating to the territory of Florida, see vol. 3, 523, 654.

representation  
of either House.  
Senate limited  
to 15 members.  
Sessions limited  
to 75 days.

All acts and  
parts of acts in-  
consistent with this  
act, repealed.

seem best and proper, according to the population of the Territory; and may, for the purpose of more effectually equalizing said representation, increase the Senate to any number not exceeding fifteen in the whole.

SEC. 5. *And be it further enacted*, That no session of the Legislative Council in any year shall exceed the term of seventy-five days.

SEC. 6. *And be it further enacted*, That all acts and parts of acts heretofore passed in relation to the Legislative Council of Florida which are inconsistent with or repugnant to the provisions of this act shall be, and the same are hereby, repealed.

APPROVED, July 7, 1838.

#### STATUTE II.

July 7, 1838.

CHAP. CLXIX.—*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.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year one thousand eight hundred and thirty-eight, viz :

Pay of officers,  
&c.

For the pay of officers, cadets, and musicians, fifty-six thousand and twelve dollars;

Subsistence of  
officers, &c.

For subsistence of officers and cadets, thirty-nine thousand five hundred and sixty-six dollars;

Forage.

For forage of officers' horses, one thousand one hundred and fifty-two dollars;

Clothing of of-  
ficers' servants.  
Expenses of  
board of visitors.

For clothing of officers' servants, three hundred and thirty dollars;

Fuel, forage,  
&c.

For defraying the expenses of the board of visitors at West Point, one thousand nine hundred and ninety-eight dollars and eighty-four cents;

Repairs, &c.

For fuel, forage, stationery, printing, transportation and postage, fifteen thousand two hundred and ninety-five dollars;

For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats and fences, seven thousand two hundred and fifty-seven dollars and fifty cents;

Pay of adju-  
tant's and Qr.  
Mr.'s clerks.

For pay of adjutant's and quartermaster's clerks, nine hundred and fifty dollars;

Library.  
Miscellaneous  
items, &c.

For increase and expenses of the library, eight hundred dollars;  
For miscellaneous items and incidental expenses, one thousand five hundred and seventy-seven dollars and fifty cents;

Building for  
recitation, &c.

For the erection, as per plan, of a building for recitation and military exercises, in addition to amount heretofore appropriated, eighteen thousand two hundred and fifty-four dollars and sixty cents;

A barn and  
stables.

For the erection of a barn and public stables, one thousand dollars;

Compensation  
to professor of  
chemistry, &c.

For compensation to the acting professor of chemistry, mineralogy, and geology, at the Military Academy, three hundred dollars;

Printing, &c.  
the regulations.

For printing and binding the regulations of the Military Academy, three hundred and sixty dollars;

Reconstruction  
of buildings for  
library, &c.

SEC. 2. *And be it further enacted*, That the sum of twenty-six thousand dollars be, and the same is hereby appropriated for the reconstruction of the buildings for the library, engineer, chemical and philosophical departments at the Military Academy at West Point, destroyed by fire in February last.

Compensation  
of custom-house  
officers for 1838.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, deputy collectors, naval officers, surveyors, and their respective clerks, together with the weighers, gaugers, measurers, and markers, of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred

1840, ch. 99, § 7.

and thirty-eight, according to the importations of that year, as they would have been entitled to receive, if the act of the fourteenth of July, one thousand eight hundred and thirty-two, had gone into effect: *Provided*, That no officer shall receive, under this act, a greater annual salary or compensation than was paid to such officer for the year one thousand eight hundred and thirty-two; and that in no case shall the compensation of any other officers, than collectors, naval officers, surveyors, and clerks, whether by salaries, fees, or otherwise, exceed the sum of fifteen hundred dollars each per annum; nor shall the union of any two or more of those officers in one person, entitle him to receive more than that sum per annum; *Provided, further*, That the said collectors, naval officers, and surveyors, shall render an account quarterly to the Treasury, and the other officers herein named, or referred to, shall render an account quarterly to the respective collectors of the customs where they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received, and of all expenses incidental to their respective offices; which accounts shall be rendered on oath or affirmation, and shall be in such form, and supported by such proofs, to be prescribed by the Secretary of the Treasury, as will, in his judgment, best enforce the provisions of this section, and show its operation and effect; *Provided, also*, That, in the event of any act being passed by Congress at the present session to regulate and fix sala[ries] or compensation of the respective officers of the customs, then this section shall operate and extend to the time such act goes into effect, and no longer: *Provided, however*, That the Secretary of the Treasury be authorized to extend to the collectors at such other ports where a surplus of emoluments have been accounted for and paid into the Treasury, in the year eighteen hundred and thirty-two, the privilege granted to the collector of New York, to take effect from the first day of January last: *Provided, nevertheless*, That no collector shall receive more than four thousand dollars, and no naval officer shall receive more than three thousand dollars, and no surveyor shall receive more than twenty-five hundred dollars per annum.

Act of July 14, 1832, ch. 227.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

SEC. 4. *And be it further enacted*, That the sum of nine thousand two hundred dollars be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the compensation of a Topographer and clerks employed in the Post Office Department, in conformity with the appropriation act of March third, eighteen hundred and thirty-seven, and for one additional clerk to keep an appropriation account until the first of January, eighteen hundred and thirty-nine; and that the sum of ten thousand five hundred dollars be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the compensation of clerks employed in the Auditor's Office of the Treasury, for the Post Office Department, from the first of January, eighteen hundred and thirty-eight, till the first of January, eighteen hundred and thirty-nine.

Compensation of Topographer and clerks employed in Post Office Dep't. Act of 1837, ch. 33.

Compensation of clerks in office of Auditor of Post Office.

SEC. 5. *And be it further enacted*, That the following sums be, and the same are hereby appropriated, out of any unappropriated money in the Treasury, viz.:

Appropriations.

For the Documentary History of the Revolution, the amount heretofore appropriated for that object and carried to the surplus fund;

Documentary History of Am. Revolution. Mars Hill military road.

For the Mars Hill military road, three hundred and sixty-four dollars and three cents, to enable the Treasury officers to close the account of Charles Thomas, being part of an amount heretofore appropriated and carried to the surplus fund;

To the State of Maine to reimburse the expense of said State for allowances to Ebenezer S. Greely for his sufferings and losses, attendant upon his arrest and imprisonment in the jail at Frederickton, New Brunswick, in consequence of taking the census at Madawaska, and to John Baker, and others, for sufferings and losses in relation to certain

To reimburse the State of Maine for allowances to E. S. Greely and John Baker.

proceedings in said town, the sum of eleven hundred and seventy-five dollars;

Patent Office Building.

For continuing the construction of the Patent Office, fifty thousand dollars;

Outfit of the branch mints.

For furnishing machinery and for other expenses incident to the outfit of the branch mints at New Orleans, Charlotte, and Dahlonga, two thousand eight hundred dollars;

Salaries of the officers of the Terr. of Iowa, pay of the Legislature, &c.

For salaries of the Governor, Secretary, Chief Judge, Associate Justices, District Attorney, and Marshal, and pay and mileage of the members of the Legislative Assembly of the Territory of Iowa, and the expenses thereof, printing of the laws, taking the census, and other incidental and contingent expenses of said Assembly and Territory, twenty-four thousand six hundred and seventy-five dollars;

Public buildings in Iowa.

For erecting public buildings in the Territory of Iowa, twenty thousand dollars;

Contingent exp. of Senate.

For contingent expenses of the Senate, not anticipated when the ordinary estimate of the year was prepared, being principally for engraving and printing maps, and other printing, the purchase of books and book-cases for the Senate committee rooms, the expenses of committees of investigation, and the pay of clerks of committees, fifty thousand dollars.

Military surveys, &c.

For an outstanding balance of expenditures under the head of military surveys, and to enable the Department to settle and close that account, ten thousand dollars.

Surveys by civil engineers.

For an outstanding balance of expenditure for surveys by the civil engineers, to enable that Department to settle and close the account for those surveys, two thousand dollars.

Mail route, &c. through Creek country, Ala.

To close the account for the laying out and construction of a mail route and post road through the Creek country, in the State of Alabama, and to pay the balances due to contractors and workmen upon the said road, the sum of nineteen hundred and forty-five dollars and fifty cents.

Salary of additional Judge of Orphan's Court Washington co. D. C.

For the salary of the additional Judge of the Orphans' Court of Washington county in the District of Columbia, the office having been created by a law of the present session of Congress, one thousand dollars.

Salary of Judge of the Criminal Court, D. C.

For the salary of the Judge of the Criminal Court of the District of Columbia, the said court having been established by a law of Congress of the present session, two thousand dollars.

To carry into effect resolution in relation to steam engines, &c.

For enabling the Secretary of the Treasury to carry into effect the resolution of the twenty-ninth ultimo, on the subject of steam engines and steam boats, and the loss of life and property which has been suffered in their use, the sum of six thousand dollars, or so much thereof as he may find necessary for the purpose.

To defray exp. of marshals, and other civil officers of the U. S. under amendment to act 20th April, 1818, ch. 88—how to be paid, &c. Act of April 6, 1838, ch. 54.

For defraying the expenses of the marshals, deputy marshals, and other civil officers of the United States, in executing the provisions of an act passed at the present session of Congress, entitled "An act to amend an act entitled '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,'" the sum of twenty thousand dollars, to be paid out of the appropriation of three hundred and fifty thousand dollars for defraying the expenses of the courts of the United States, made in the "act making appropriations for the civil and diplomatic expenses of Government, for the year one thousand eight hundred and thirty-eight, approved April sixth, one thousand eight hundred and thirty-eight," to be expended by the Secretary of the Treasury, under the direction of the President, upon the certificate of the Judge of the Circuit or District Court of the United States of the circuit or district where the expenditure may have been made or the services rendered.

For carrying into effect the act for the increase of the army, to wit:	Act to increase the army.
For pay, three hundred and seventy-nine thousand five hundred and twenty dollars and fifty cents.	Pay.
For clothing, two hundred and sixteen thousand seven hundred and thirty dollars.	Clothing.
For subsistence, seventy-four thousand six hundred and forty-five dollars.	Subsistence.
For contingent expenses for recruiting, fifty-three thousand eight hundred and eighty dollars.	Cont. exp. for recruiting.
For defraying the expenses of the board of visitors at the Military Academy, in addition to the sum contained in the annual appropriation for that object, six hundred and ninety-eight dollars and seventy-five cents.	Exp. of board of visitors at Military Academy.
SEC. 6. <i>And be it further enacted</i> , That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution.	All money arising from bequest of James Smithson, &c. shall be invested in State stocks, &c.  1841, ch. 25.
For procuring new machinery for the Harper's Ferry Armory, the sum of twenty thousand dollars.	Machinery for Harper's Ferry Armory.
SEC. 7. <i>And be it further enacted</i> , That the Secretary of the Treasury cause to be made, under the superintendence of Mr. Hassler, one standard balance for each State, and when completed that he cause them to be delivered to the respective Governors for the use of the respective States.	Standard balance for each State, &c.
For the paper and printing of a complete catalogue of the books of the Congress Library heretofore ordered, fourteen hundred dollars.	Catalogue of Congress Library.
For compensation to Ferdinando Pettrich, for models of statues for blocking to the western front of the Capitol, six hundred dollars.	Compensation to F. Pettrich.
For enlarging the contingent fund of the House of Representatives, to provide for the payment for certain expenses incurred by the House by resolution of twenty-seventh January, eighteen hundred and thirty-eight, forty-eight thousand nine hundred and sixty dollars.	For enlarging contingent fund of House of Reps., &c.
For laborers and horse, cart and driver, employed at the President's square, two thousand and fifteen dollars.	Laborers, &c. the President's square.
For repairs of the Potomac bridge, two thousand and fifty dollars; for three hundred feet of suction hose for the Capitol and Capitol grounds, two hundred dollars; for cast iron settees and chairs for the public grounds, one hundred and fifty dollars.	Repairs of Potomac bridge, &c.
SEC. 8. <i>And be it further enacted</i> , That a collector shall be appointed at the port of Vicksburg who shall give the usual bonds required by such officers in the penal sum of ten thousand dollars, and be entitled to a salary of five hundred dollars per annum, and that the salary for the present year be paid out of any money in the Treasury not otherwise appropriated.	A collector to be appointed at Vicksburg.

APPROVED, July 7, 1838.



## STATUTE II.

July 7, 1838.

[Obsolete.]

Sec. War to  
cause New  
York to be paid  
such amount as  
the Paymaster  
Gen'l. and ac-  
count'g officers  
of the Treasury  
shall certify,  
&c.

Proviso.

Proviso.

CHAP. CLXX.—*An Act to provide for the settlement of the claim of the State of New York for the services of her militia.*

*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 directed to cause to be reimbursed and paid to the State of New York, on the order of the Governor of said State, out of the appropriation for the prevention of hostilities on the northern frontier, such amount as the Paymaster General of the United States army and the accounting officers of the Treasury shall ascertain and certify would have been due from the United States to the volunteers and militia called into the service of the State, in the latter part of the year eighteen hundred and thirty-seven and the first part of the year eighteen hundred and thirty-eight, for the protection of said frontier, by the Governor, if said volunteers had been duly called into the service of the United States and regularly received and mustered by officers of the United States army, according to the laws and regulations which have governed in the payment of the volunteers and militia of other States: *Provided*, That the accounts of the agent employed by the State of New York to make said payments, be submitted to the Paymaster General and the accounting officers for their inspection: *And provided also*, That no reimbursement shall be made on account of the payment of any volunteers or militia who refused to be received and mustered into the service of the United States or to serve under the officers of the United States army appointed by the President to command on the northern frontier.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXI.—*An Act to provide for certain harbors and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year one thousand eight hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for carrying on and completing certain works heretofore commenced, viz:

Chicago har-  
bor.

For continuing the improvement of the harbor of Chicago, Illinois, thirty thousand dollars;

Michigan City  
harbor.

For continuing the construction of a harbor at Michigan City, Indiana, sixty thousand seven hundred and thirty-three dollars and fifty-nine cents;

St. Joseph pier  
or breakwater.

For continuing the construction of a pier or breakwater at the mouth of the river Saint Joseph, Michigan, fifty-one thousand one hundred and thirteen dollars;

Harbor near  
the mouth of  
the river Raisin.  
Harbor at the  
mouth of Black  
river.

For the continuation of the works at the harbor near the mouth of the river Raisin, Michigan, fifteen thousand dollars;

For continuing the improvement of the harbor at the mouth of Black river, in Jefferson county, State of New York, twenty-two thousand four hundred and one dollars;

Whitehall har-  
bor.

For continuing the improvement of the harbor at Whitehall, in the State of New York, fifteen thousand dollars;

Genesee river.

For continuing the improvement of the channel at the mouth of Genesee river, in the State of New York, twenty-five thousand dollars;

Black river.

For continuing the removal of obstructions at Black river, Ohio, five thousand dollars;

Huron river.

For continuing the removal of obstructions at the mouth of the Huron river, in Ohio, five thousand dollars;

For continuing the improvement of the navigation at the mouth of Vermillion river, Ohio, twenty-three thousand six hundred and twenty-six dollars and fifty-seven cents;	Vermillion river.
For continuing the improvement of Cleaveland harbor, Ohio, fifty-one thousand eight hundred and fifty-six dollars;	Cleaveland harbor.
For continuing the removal of obstructions at Cunningham creek, Ohio, five thousand dollars;	Cunningham creek.
For continuing the removal of obstructions at Ashtabula creek, Ohio, eight thousand dollars;	Ashtabula creek.
For continuing the removal of obstructions at Conneaut creek, Ohio, eight thousand dollars;	Conneaut creek.
For continuing the improvement of the harbor of Presque isle, Pennsylvania, thirty thousand dollars;	Presque isle harbor.
For continuing the improvement of Dunkirk harbor, New York, ten thousand dollars;	Dunkirk harbor.
For continuing the improvement of the harbor of Portland, Lake Erie, New York, thirty-five thousand four hundred and sixty-six dollars;	Portland harbor, N. Y.
For continuing the improvement of the harbor at Cattaraugus creek, Lake Erie, New York, thirty-two thousand four hundred and ten dollars;	Cattaraugus creek harbor.
For continuing the improvement of the harbor of Salmon river, Lake Ontario, New York, thirty thousand dollars;	Salmon river harbor.
For continuing the construction of a breakwater at Plattsburg, New York, twenty-seven thousand five hundred dollars;	Plattsburg breakwater.
For continuing the improvement of the harbor at the mouth of Oak Orchard creek, New York, five thousand dollars;	Oak Orchard creek harbor.
For continuing the pier at Kennebunk, Maine, eight thousand dollars;	Pier at Kennebunk.
For continuing the improvement of Big Sodus bay, New York, ten thousand dollars;	Big Sodus bay.
For continuing the pier and mole at Oswego harbor, New York, forty-six thousand and sixty-seven dollars;	Oswego harbor.
For continuing the construction of a breakwater at Burlington, Vermont, fifty thousand dollars;	Breakwater at Burlington.
For continuing the breakwater on Stanford's Ledge, Portland harbor, Maine, twenty-six thousand three hundred and sixty-six dollars;	Breakwater on Stanford's Ledge.
For continuing the breakwater at Hyannis harbor, Massachusetts, eight thousand seven hundred and sixty-four dollars;	Breakwater at Hyannis.
For continuing the breakwater at Sandy Bay, Massachusetts, twenty thousand dollars;	Breakwater at Sandy Bay.
For continuing the improvement of the channel of the river Thames, leading into Norwich harbor, Connecticut, ten thousand dollars;	River Thames.
For improving the harbor of Westport, Connecticut, four thousand seven hundred and eighty-two dollars;	Westport harbor.
For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the State of New York, one hundred thousand dollars; to be expended according to the plan and estimate recommended by the Secretary of War;	Hudson river.
For continuing the improvement of the harbor of Wilmington, Delaware, nine thousand three hundred and fifty-six dollars;	Wilmington harbor.
For continuing the improvement of the harbor of New Castle, Delaware, eleven thousand five hundred and seventy-three dollars;	New Castle harbor.
For continuing the Delaware breakwater, one hundred and fifty thousand dollars;	Delaware breakwater.
For continuing the improvement of the harbor of Baltimore, Maryland, twenty thousand dollars;	Baltimore harbor.
For continuing the improvement of the navigation of Cape Fear river, below Wilmington, North Carolina, twenty thousand dollars;	Cape Fear river.
For opening a passage of fifty yards wide, and seven feet deep, at low	

Opening passage between Beaufort and Pamlico sound. Tar river.

Inland channel between St. Mary's and St. John's.

Dog river bar and Choctaw pass.

Cumberland river.

Ohio river.

Ohio and Mississippi rivers.

Mississippi and Missouri rivers.

Grand river.

Works at Buffalo harbor, &c.

Plymouth beach.

Provincetown harbor.

Rainsford island.

Fairweather island.

Harbor at the mouth of Bass river.

Breakwater of Church's cove.

Little Egg harbor.

Entrances of Dismal Swamp canal.

Savannah river.

Arkansas river.

Removal of sand-bar in New Bedford harbor.

1836. ch. 363.

Deepening of shoal in Appalachicola harbor, &c.

Disposal of appropriations.

water, between the town of Beaufort and Pamlico sound, North Carolina, and for improving New river, twenty-five thousand dollars;

For continuing the improvement of Pamlico, or Tar river, below Washington, North Carolina, five thousand dollars;

For continuing the improvements of the inland channel between St. Mary's and St. John's, Florida, twenty-nine thousand dollars;

For continuing the improvements at Dog river bar, and Choctaw pass, in Mobile harbor, fifty thousand dollars;

For continuing the improvement of the Cumberland river, in Kentucky and Tennessee, below Nashville, twenty thousand dollars;

For continuing the improvement of the Ohio river, between the falls and Pittsburgh, fifty thousand dollars;

For continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Louisville to New Orleans, seventy thousand dollars;

For continuing the improvement of the Mississippi river, above the mouth of the Ohio, and of the Missouri river, twenty thousand dollars;

For continuing the removal of obstructions in Grand river, Ohio, ten thousand dollars;

For continuing the works at Buffalo harbor, twenty thousand five hundred dollars; and for erecting a mound or sea-wall along the peninsula which separates Lake Erie from Buffalo creek, to prevent the influx at the lake over said peninsula, forty-eight thousand dollars;

For continuing the preservation of Plymouth beach, two thousand four hundred dollars;

For continuing the preservation of Provincetown harbor, four thousand five hundred dollars;

For continuing the preservation of Rainsford island, seven thousand three hundred and fifty-three dollars;

For continuing the sea-wall for the preservation of Fairweather island, and repairing the breakwater near Black Rock harbor, Connecticut, eleven thousand five hundred and fifty dollars;

For continuing the improvement of the harbor at the mouth of Bass river, Massachusetts, ten thousand dollars;

For continuing the breakwater of Church's cove, town of Little Compton, Rhode Island, eighteen thousand dollars;

For the protection and improvement of Little Egg harbor, ten thousand dollars;

For improving the natural channels at the northern and southern entrances of the Dismal Swamp canal, ten thousand dollars;

For the improvement of the navigation of Savannah river, Georgia, fifteen thousand dollars;

For the improvement of the Arkansas river, forty thousand dollars;

For removing the sand-bar occasioned by the wreck in the harbor of New Bedford, the unexpended balance of an appropriation of ten thousand dollars, made July four, eighteen hundred and thirty-six, being seven thousand six hundred and ninety-one dollars and thirty-seven cents.

SEC. 2. *And be it further enacted*, That the appropriation heretofore made of ten thousand dollars, for removing the mud shoal, called the Bulkhead, in the harbor of Appalachicola, be, and the same is hereby, transferred to the deepening of the straight channel in the same harbor.

SEC. 3. *And be it further enacted*, That of the several sums appropriated by the first section of this act, which exceed twelve thousand dollars each, one half thereof, if the public service require it, shall be paid out during the year eighteen hundred and thirty-eight, to be applied to the objects as above specified, and the other half in like manner, in the year eighteen hundred and thirty-nine.

APPROVED, July 7, 1838.

CHAP. CLXXII.—*An Act to establish certain post routes and to discontinue others.*

STATUTE II.

July 7, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post roads:*

Post roads.

*Maine.*—From Unity to Thorndike. From West Eddington to East Eddington. From Gardiner, via Light's Corners and Searsmont, to Belfast. From Saco, by Goodwin's Mills, to Alfred. From Acton corners, via Milton Mills and Union village, to Middleton corner, New Hampshire. From Alfred to Newfield. From Eden to Bar Harbor. From Waterville, via Clinton, Troy, North Dixmont, and Hermon, to Bangor. From Dover, via Lower village, Atkinson, Wingate's corner and Milo village, to Killmarnock. From Fish's Mills (in township number four, in the sixth range west from the east line of the State) to Mattawamkeag point. From Bangor, via South Levant, to Stetson. From Machias to Westley. From Lewiston falls, at Danville, by the river road, to Livermore falls.

In Maine—established.

*New Hampshire.*—From Lancaster, via Whitefield and Carroll, to White Mountain. From Colebrook, via Errol and Letter B, to Andover, Maine. From North Haverhill, via Woodville, West Bath, Lyman, North Lyman, West Littleton, and Lower Waterford, to Pingreeville. From Peterborough, via Jaffrey, Factory village and Rindge, to Winchendon. From Union village, via Brookfield, North Wolfsborough, and Water village, to Tuftonborough. From Exeter, via East Kingston, South Hampton and Newtown, to Haverhill, Massachusetts. From Concord, via Bow, East Dunbarton and Centre Goffstown, to Piscataquog village. From Bedford, via Goffstown, Hopkinton, Warner, and New London, to Hanover. From Eaton, via Freedom, North Parsonfield and Limerick, to Hollis, Maine. From Kingston, via Brentwood, Epping, Nottingham, Northwood, Pittsfield, Barnstead, and Gilmanton iron works, to Guilford. From Landaff, over Sugar hill, to Franconia. From the centre of Washington by East Washington, to the Upper village, in Hillsborough. From Pittsfield, by the store of George Nutter in Barnstead, over new Durham Bridge, by Middletown, Wakefield, Union village, Milton Mill, and Alton, to Alfred, in Maine.

In New Hampshire—established.

*Vermont.*—From Barton, via Irasburg, Coventry, and Troy, to Richford. From Finneyville, via Clarendon and Clarendon Springs, to West Rutland. From Jeffersonville, via Waterville and Belvidere, to Montgomery. From Wilmington to Greenfield, Massachusetts.

In Vermont—established.

*Massachusetts.*—From Adamsville, Rhode Island, via Hick's bridge, to Dartmouth. From Washington, via North Becket, to Middlefield. From Northborough, via Marlborough, Stow, Acton, and Chelmsford, to Lowell. From Norton, via Attleborough and Pawtucket, to Providence. From Barre, via Hardwick, to Ware. From Westfield, via Montgomery, Norwich bridge, and North Chester, to Worthington. From East Bridgewater, via John A. Conant's and J. W. Jenkins' stores, and East Abington, to South Weymouth. From Worcester, via Milbury, Sutton, West Sutton, and East Douglass, to Douglass.

In Massachusetts—established.

*Connecticut.*—From Hebron, via Exeter meeting-house and over Goshen hill, to Bozrahville. From West Hartland, Connecticut, to Tolland, Massachusetts. From New Haven, via Fair Haven, North Branford, North Guilford, North Madison, North Killingsworth, Chester Hadlyme, and Salem, to Norwich. From the house of Robins Tracy, on the Colchester and Middletown turnpike, thence to the East Haddam and Colchester turnpike, by the store of H. and B. Palmer, and from thence through Mechanicsville, to East Haddam landing.

In Connecticut—established.

*New York.*—From Salubria, via West Catlin and Hornby, to Painted Post. From New Haven, via Port Ontario and Lindseyville, to Ellis-

In New York—established.

burg. From Colden, via Waterville corners, to Springville. From North Blenheim, via Gilboa and Prattsville, to Clovesville. From Granville four corners to Middle and West Granville. From Schenectady, via Rotterdam, the church in the centre of Princeton, and Mariasville, to Braman's corners. From Flushing to Manhassit. From Poughkeepsie, via Crum Elbow, Pleasant plains, Clinton hollow, Shultz's store, Clintonville, Milan, and Rock city, to Red hook. From Castile, via Portageville and Mixville, to Hume. From the store of Charles F. and J. C. Hammond and Company, Essex county, via Samuel Murdock's at Long point, to the old fort at Crown point; then across Lake Champlain, to Chimney point, in Addison, and through Addison and Panton, to Vergennes, Vermont. From Malden, via Wynkoopsville, to Irvingsville. From Attica, via Orangeville and Wethersfield springs, to Pike. From Pine plains, via Gallatin, Ancram, and Copake, to Hillsdale. From Angola, via Collins centre, to Springville. From Aurora, via Griffin's mills, to Springville. From Clay, via Phenix, to Fulton. From Somers, via Southeast and Patterson, to Pawlings. From Bouckville, via Pratt's hollow, Stockbridge and Bennett's corners, to Oneida castle. From Troy, via Poestenkill, to Berlin. From Ellenville, via Greenfield, Southwick's settlement, Wakeman's settlement, and Miller's settlement, to Monticello. From Harpersfield centre, via North Harpersfield, to South Worcester. From Lexington to West kill. From East Hampton to Amogansett. From Clermont, via Elizaville and Jackson corners, to Montrose. From Norwich, in Chenango county, by Smyrna, Earlville, Poolville, East Hamilton, North Brookfield, and Sangerfield centre, to Waterville, in Oneida county. From Ephrata, via Pleasant valley, to Newkirk's mills, Fulton county. From Berne and Waldenville to Gallupville. From Mexicoville to Colosse. From Enfield to Newfield. From East Solon, via Truxton, Fabius, Pompey, and Jamesville, to Syracuse. From Darien centre, via Pembroke, to Alabama. From Lowville, Lewis county, New York, via Daysanville, Bellfort, Indian river, Diana and Harrisville, to South Edwards, St. Lawrence county. *Discontinue as follows:—*From Hyde Park to Stanfordville, and from Rhinebeck to Clintonville. From Lodi (Persia post office) to Collins centre.

Discontinued.

In New Jersey  
—established.

In Pennsylvania  
—established.

*New Jersey.*—From Tom's river, via Dover furnace, New Egypt, Jacobstown, and Recklesstown, to Bordentown. From New Brunswick, by Millstone, to Flemington. From Hackettsville to Belvidere.

*Pennsylvania.*—From Hulingsburg, via Michael Traverse's, Ross Corbett's mills, R. D. Lawson's mills, Orr's tavern, Kittaning, and George Ross's mills, to Leechburg. From Apollo, via McAllister's, Pitt's mills, Lower Crooked-creek, salt-works, and Kittaning, to Ors-ville. From Reading, via Mollstown, Hunter's forge, Klinesville, Michael Shaffer's and Featherolfsville. From Shelocta, via Warren and North Washington, to Pittsburg. From New Alexandria, via New Derry, to Johnstown. From Greensburg, via Murraysville, Logan's ferry, Alter's store, North Washington, McIlvaine's store, and Congruity meeting-house, to Greensburg. From Browns-ville, via Greenfield and Columbia, to Monongahela city. From Cannonsburg, via Venice and Webster's, to Raccoon. From Stump-town, via Mount Zion, to Lebanon. From Mexico, through Tuscarora valley, to Waterford. From Mercer to Westley. From Newcastle, via Eastbrook, to Harlansburg. From Newcastle, by Pulaski, Sharon, and Clarksville, to West Greenville. From Shamokin, via Coal post office, to Fountain springs, Schuylkill county. From Montoursville to John Barber's mills, Plunket-creek township. From Caledonia, via the first fork of Bennett's branch of the Sinnemahoning-creek, to Coudersport. From Hazleton, via East Sugarloaf, to Wilkesbarre. From Cumberland, Maryland, via Wellersburg, to Berlin. From Bath to Kleckners-ville. From Philadelphia, via Frankford, Fox Chase, Huntington, Sor-rel horse, Davisville, Springville, Richborough, Newtown, Dolington,

and Taylorsville, to Pennington, New Jersey. From Shippensville, by Fitzer's mill, Lucinda Furnace, and John Walter's settlement, to Tionesta. From Polsley's mills, via Blacksville, to Waynesburg. From Forest Lake, by the Choconut-creek road, to Union, New York. From Leroy, via Granville and Leonard's hollow, to Springfield. From Sweden, via Ulysses, to Harrison valley. From Wrightsville, via Yoholi, Grahamville, and McCall's ferry, to Peach bottom. From Hart's cross roads, by Lines's mills, to Conneautville. From Blakely to Thompson, Susquehanna county. From Butler, via Prospect and Portersville, to Newcastle. From Mauch Chunk to Nesquehoning. From Mauch Chunk to Stroudsburg. From Honesdale, by Cherry-ridge, Purdy settlement, Paupock settlement, and East Sterling, to Labor's post office, Monroe county. From Unity, by Petersburg, Ohio, and Mount Jackson, Pennsylvania, to Newcastle. From Elkland, Tioga county, to Addison, New York. From Pittsburg, by Ellicott's store, Clinton, and Murdocksville, to Fair View. From Florence, in Washington county, Pennsylvania, via Commettsburg and Fair View, to Welshville, Columbiana county, Ohio. From Abington centre to Providence, in Luzerne. From Margaretta Furnace to Bangor Forge, in the county of York. From Le Roy Post Office, by Calvin W. Churchill's in Greenville, Nathaniel Albin's in Troy, to the Post Office in Troy, to the Post Office in Springfield, Bedford county. From Steventown, in Pike, to the Post Office kept by William Warfield in Orwell, Bradford county.

*Delaware.*—From Smyrna, in Kent county, to the village of Leipsic. In Delaware—  
From Milford to Cambridge, in Maryland, passing through Williams-  
ville, Marshyhope bridge, Collin's cross roads, Lowe Hunting creek  
and Newmarket. established.

*Maryland.*—From Queenstown, via Centreville, Ruthsburg, Nine  
Bridges, Greensborough, and Willow Grove, to Dover, Delaware. In Maryland—  
From Mann's post office, via mouth of Sidelinghill creek and Tun-  
nell, to Oldtown. From Elkton to Warwick. From Princess Anne,  
via Todd's store, to S. Mister's, Somerset county. From Princess  
Anne, via Kingston, to Rehoboth. established.

*Virginia.*—From Chamblysburg to the Big Lick, Botetourt county. In Virginia—  
From Fincastle to Giles court-house. From Mount Airy to Meadville. established.  
From Froadford to Marion. From Charlotte court-house, via Watkin's  
store, Wyliesburg, Jeffries's store, and Oakley, to Clarksville. From  
Lowmans, via the forks of Hughs river, Preble's mills, and Creel's mills,  
to Parkersburg. From Belleville, via Muses' bottom, mouth of Sandy  
creek, and Ripley, to Point Pleasant. From Morgantown, via Dent's  
mills, and David Snider's, to Riversville. From Newbern, via High  
rock, to Cranberry Plains. From Floyd court-house to Cranberry  
Plains. From Winchester to Parkersburg, along the northwestern  
turnpike road. From German settlement, via Westernford, to Gladys  
creek cross-roads. From Rye valley to Sinclair's bottom, Smyth  
county. From Jonesville to Turkey cove, Lee county. From Alex-  
andria, via Winter-hill, to Drainsville. From Lockhart's tavern, Fred-  
erick county, to Wardensville, Hardy county. From Salem, North Car-  
olina, via Madison, to Martinsville. From Salem, Virginia, via New-  
castle, to the Sweet Springs. From Gauley bridge, via Fayetteville,  
to Beckley. From Rye valley, Smyth county, to the mouth of Wilson  
creek, Grayson county. From Lebanon, Russell county, via Nashford  
Hanaker's store, to Richland, Tazewell county. From Patrick court-  
house to Mount Airy, North Carolina. From Liberty, Bedford county,  
via Buchanan, to Pattonsburg. From Parkersburg to Belpre, Ohio.  
From Somerfield, Pennsylvania, to Brandonville, Virginia. From Gray-  
son court-house to Grayson Sulphur springs. From Speedwell, via  
Cripple creek, to Austinville, Wythe county. From Timberville to  
Brock's gap. From the northwestern turnpike, at or in the vicinity of

James Curry's, to Booth's ferry, on Tygart-valley river. From Middle-island bridge, on the northwestern turnpike, to Lowan, Lewis county. From Bulltown, down the valley of the Little Kenawha, to Elizabeth-town. From Drummondtown, Accomack county, by Locustville and Smithsville, on the seaside road of said county, to Pungoteague. From Hillsborough to Harper's Ferry. From Lovesville to Berlin, in the State of Maryland. From Clarksburg, via Ten-mile, to Shinston, in the county of Harrison. From Logan court-house to Red Sulphur Springs. From the Natural Bridge post office, in Rockbridge county, via Daggart's springs, to Clifton forge. From Brandonville, in Virginia, to Bryant's post office, in Fayette county, in the State of Pennsylvania. From Beckley's mills to Reuben Stut's. From Covesville to Fobes's mill. From Blue Sulphur Springs, via Gwinn's springs, thence down Lick creek to New river, up same to the mouth of Greenbrier river, to Palestine, thence to Lewisburg.

In North Ca-  
rolina—esta-  
blished.

*North Carolina.*—From Ford creek, via Fishdam, Hancock's store, or Leather's cross-roads, to Chapel hill. From Weldon to Halifax; thence to or near Enfield, Waynesborough, and South Washington, to Wilmington; thence to Charleston, South Carolina. From Lincolnton, via Hoylesville, Spring mills, and Erasmus, to Yorkville, South Carolina, and returning via Catawba creek. From Waynesborough, via Whitfield mills and Jericho, to Strabane. From Pickens court-house, South Carolina, through Macon and Haywood counties, and down the Tuskegee river, by John B. Love's and Scroop Euloe's to Sevierville, Tenn. From Falls post office to Catawba creek post office. From Statesville to Mount Airy, Surry county. From Middletown, Hyde county, to some point on the Chickamacomica banks, in said county. From Hillsdale to Madison, on Dan river. From Hillsborough, by Samuel N. Fate's store and Mount Willing, to Rock creek or Fogleman's post office. From either Fair Bluff or Porter Swamp's offices to either Leesville or Lumberton. From Shallotte, by Dred Boazman's to White Marsh office. From Norwood's store, via Rocky river springs and Jacob Eford's, to Mount Comfort. From Beatty, on Black river, via James Allen's to J. R. Corbett's. From Carthage to Greensborough. From Newcastle, by Brier creek, Mulberry gap, Laurel spring, and John Williams's, in Ashe county, North Carolina, to the mouth of Wilson creek, Virginia. From Pleasant garden, by Turkey cove, through Yancy county, North Carolina, to Elizabethtown, Tennessee. From Washington to Portsmouth and Ocracoke. From Fayetteville, up the Cape Fear river, on the west side, to McNiel's ferry, Blalock's store, Raleigh, Johnson's store, and Draughn's store, to Fayetteville. From Raleigh to Gray Sill's. From Hillsborough to Boxborough. From Gaston, via Henderson, to Raleigh. From Henderson to Williamsborough. From Pittsborough to Chapel hill. From Seagle's store, via Peter Warlick's store, to Mull grove.

In South Ca-  
rolina—esta-  
blished.

*South Carolina.*—From Damascus to Mooresborough, North Carolina. From Athens, Georgia, to Lauren's court-house. From Stantonsville to Pendleton. From Sumterville, by Plowden's mills, and Brewington, to Jacksonville, South Carolina. From Younguesville, via Hazlewood, Pedensville, and Torbert's, to Chester court-house. From Marion court-house, by Allen's bridge (on Little Pedee,) Harleesville, and Clio, to Bennettsville. From King's tree, by Murray's and Lenud's ferries on the Santee river, to Georgetown. From Lynch's creek post office to Conwayborough. From Mount Willing to Lexington court-house. From Picken's court-house, Mullen's fort, Aquilla, Georgia; thence by Clearmont, Bachelor's Retreat, and Pendleton, to Pickens court-house. From Union court-house, via Hancockville, to Limestone springs in Spartanburg district. From Charleston to Walterborough, by the way of the South Carolina railroad and George's station. From Pinckney-

ville, by Goudysville, to Hancockville. *Discontinue as follows:—*  
From Walter's ford to Mullen's ford. So much of route number two thousand two hundred and fifty-five as extends from Leesville to Mount Willing. From Lexington Court House to Doctor W. W. Guger's store, in Edgefield District.

Discontinued

*Georgia.*—From Camack, via Double-wells, Crawford, Irville, Green, and Baldwin's store, to Greensborough. From Danielsville, via Maryville, Winn's mills, or Amandaville, and Pierman's, to Montevideo. From Gainsville to Clarksville. From Cherokee court-house, Alabama, via Chatooga, Oldtown, Hopkinsville, Beavers, and Pleasant Green, to Island town. From Treadway's post office, via Beavers, to Almon's, in Broomtown valley. From Campbelltown, via Huntsville, Parlier's cross-roads, (on the High-tower river,) to Cassville. From Elberton to Carnesville. From Macon, Bibb county, Georgia, via Pine-level, Fort Valley, Bartlett, and Macon court-house, to Americus. From Sparta, via Powellton, to Double-wells. From McDonough, via Chamber's store and Hancock's, to Sandtown. From Lombardy, via Sweet-water iron works, Willis Howard's, and James Stone's, to Louisville. From Forsyth, via Van Buren and Herrington's store, to Fayetteville. From Decatur, De Kalb county, by Pace's ferry, on the Chattahoochie, to Marietta, Cobb county, Georgia. From Brunswick, via Benjamin Lile's and Wayne court-house, to Holmesville. From Macon, Georgia, by Lumpkin, in Stewart county, to Irwinton, Alabama. From Lafayette, in Walker, Georgia, to Rossville, in the same county. From Athens, in Georgia, via Monroe, Walton county, Lawrenceville, Gwinnett county, Canton, Cherokee county, Cassville, in Cass county, Rome, in Floyd county, to Somerville, Morgan county, Alabama, and Hume to Decatur, in said State. From Columbus, Georgia, via Fort Mitchell, Florence, Georgia, and to intersect the steamboat mail line Bainbridge, Georgia, for Appalachicola and St. Joseph's in Florida.

In Georgia—  
established.

*Florida.*—From Tallahassee, via Alligator, to Jacksonville. From Monticello, Jefferson county, through Hamilton county, to the Gadsden Spring, Suwannee river. From Langsbury, Camden county, Georgia, via Burnt-fort ferry, to Haddock's, Florida. From Tallahassee, via Iola, to St. Joseph. From Haddock's to Jefferson, Georgia. From Monticello, via the Mineral springs, to Jacksonville.

In Florida—  
established.

*Kentucky.*—From Jeffersontown to Harrodsburg, by Chaplin and Taylorsville. From Shelbyville to Harrisonville. From Piketon, by the mouth of Pond creek, to Logan court-house, Virginia. From Springfield, Tennessee, by Keysburg and Trenton, to Hopkinsville. From Graysville to Nashville, Tennessee. From Columbia, via Alexander Walker's and Joseph Nelson's, jr., to Edmonton. From Somerset to Jamestown. From Newcastle to Wallaceville, Henry county. From Greenville, by the mouth of Muddy river, to Morgantown. From Waidsboro to Paducah. From Stephensport to Boonsport. From Princeton, by Cold Springs and Montezuma, to Providence. From Princeton, by Millville and Ferry corner, to Canton. From Williamstown to Warsaw. From Flag spring, by Motier and Locust grove, on the Ohio river, to Augusta. From Burkesville to Livingston, Tennessee. From Poplar flat, Lewis county, to Mount Carmel, Fleming county. From Little Sandy Saline, Greenup county, by Charles N. Lewis's, to Blanisville, Lawrence county. From West Liberty, by Joseph Adkin's, to Little Sandy Saline. From Greensburg to Edmonton. From Bowling Green, by the lock and dam on Big Barren first below Bowling Green, by the lock and dam on Green river next below the mouth of Barren river, by Morgantown, and by the lock and dam near the mouth of Muddy river, to Hartford. From Chaplin, by Hobb's mill and Paoli, to Maxville. From Witcher's cross-roads, by the houses of Isaac Pipkin and Reuben Roark and Grey Cook, to Tompkinsville. From Henderson to Carlow. From Monroe, Hart County, by Salt-works, on Little Barren river, to Ed

In Kentucky  
—established.



monton. From Lawrenceburg, by the way of Van Buren, to Taylorsville. From Chaplain to Harrodsburg. From Monticello, via Albany, to Burksville. From Glasgow, Kentucky, to Hartsville, Tennessee.

In Tennessee  
—established.

*Tennessee.*—From Lynchburg, by W. W. Gill's store, Elijah Flack's and Petersburg, to Cornersville. From Eaton, by Forked Deer Turnpike and Ripley, to Fulton. From Paris, by Caledonia, Fleming's, Christmasville and Shady Grove, to South Gibson. From Pikeville, by James L. Loyd's, Thomas's cross-roads, Wheeler Hanson's, Kirkland's, Hilliard's, and Shelton's, to Oatt's landing. From Purdy, by Rosson's bridge and Metamora, to Ripley. From Savannah, by Cedar hill and Hawkins's ferry, to Carrollsville. From Sevierville to Sweden furnace. From Gallatin, by Cross-plains, Keasburg and Allinsville, to Elkton. From Masts, by Shady, crossing the Stone mountain at Bakers' gap, thence by Elijah Dougherty's, in Johnson county; thence to Roane's creek, and up the same to Taylorsville, Ashe county, North Carolina, to Taylorsville, Tennessee. From Lagrange to Tuscumbia, Alabama. From Sulphur springs, by Horseby's ferry, to Decatur. From Mount Pleasant, via Napier and Catron's iron-works, Lawrence county, via Buckner and Dixon's store, to Waynesborough. From Somerville, by Brown's store, Starky Hare's, Littlejohn's, Germantown and Titus bridge, to Hernando, Mississippi. From Carrollsville to Lexington. From Liberty, by Short mountain, to Manchester. From Cox's creek, Knox county, to Mount Bethel, Roane county. From Perryville, by Cub-creek springs, to Lexington. From Ball-play, Monroe county, to Austin Glenn's on Cane creek, same county. From Red bridge, Hawkins county, to Allen's station, same county. From Kingsport, along the Stanly-valley road, to Rogersville. From Maryville, by Montvale springs, Cheoe, Valley river, and Blairsville, to Dahlonga, Georgia. From Knoxville, by Louisville, Unitia, Morgantown, Eve's mills, Rockville and Midway, to Athens. From Kellysville, via Lourass old ferry, Nickajack, across Raccoon mountain, to Squirreltown, in Georgia. From Dallas to Spring place. From Kingston to Oliver's house, in Anderson county. From Ross landing to Cleveland. From Gallatin, by Lagado Academy, to Murfreesborough. From Perryville, by New Madrid to Waverly. From Kingston, Tennessee, via Ten-mile stand, Decatur, Kincannon's ferry, Ross's landing, and Turkeytown, to Jacksonville. From Standing-rock post-office, Stuart county, via Lagrange and Fairchance furnace, to Waverley, Humphrey county. From Charlotte, via Point Mason, on Tennessee river, to Paris, Tennessee. From Elizabethton, up Stony creek, through Shady, to Abingdon, Virginia. From Dresden, via Hunter and Pound's store, Winton, and Ridley Jones's, to Dyersburg. From McMinnville to Jasper. From De Kalb court-house, via Short mountain, to Manchester. From Millersburg, in Rutherford county, via White's store, to Shelbyville. From Nashville down the south side of Cumberland river by William Shelton's to the mouth of Syracuse creek, thence to crossing at Gibb's ferry, by Braxton Lee's, Wilson Crockett's and the Sulphur springs, to Nashville. From Sevierville, Tennessee, via Smoky mountain, Shoal creek store, Scott's creek post-office, to Pendleton, South Carolina.

In Ohio—esta-  
blished.

*Ohio.*—From Greenville, via Fort Recovery, Grantville, Montezuma, St. Mary's and Guilford, to Van Wert. From Russellville, through Arnheim, to Sardinia, in Brown county. From Georgetown, in Brown county, through Freesburg and New Boston, to Felicity, in Clermont county. From Williamsburg, through Bethel, via Sharpsburg, to Felicity, in Clermont county. From West Union, in Adam's county, to Hillsborough, in Highland county. From Greenville, via Montezuma, Celina, Mercer, and Van Wert, to Defiance. From Van Wert, via Judge Cochran's, to Kalida. From Wapakonetta, via Hartford and Judge Cochran's, Putnam county, to Franconia. From Kenton, via Lima, Shawnee, Amanda, and Guilford, to Mercer. From Troy to Covington. From Sidney,

via Harden, to Houston. From Defiance, via Brunnersburg, Washington centre, St. Joseph, and Denmark, in Ohio, and Perseverance, Steubenville, Little prairie, and Pretty prairie, to Lima, Indiana. From Perrysburg, via Waterville, Benton, Gilead, and Ottawa, to Lima, Ohio. From Maumee city, via Swanville, Granville, Turkeyfoot prairie, and Eatonsburg, to Lafayette, (on the Little St. Josephs) Williams county. From Melmore, via Attica, to New Haven. From Tiffin to Fort Findley. From Norwalk, via centre of Bronson, to Truxville. From Lower Sandusky to Montgomery cross-roads, Wood county. From Tiffin, via Rome, to Risden, Seneca county. From Nashport, via Perryton and rallsbury, to Martinsburg, Knox county. From Zanesville, via Samuel Beaver's, George Smyth's, and John G. Pigman's, to Coshocton. From Senecaville, via Johnson's Mills, Bye's Mills, Cambridge, Mackey's and Adamsville, to Dresden. From Eaton, via Castine, to Greenville. From Cadiz, via Leesburg and Sandyville, to Bethlehem. From Sinking Spring, Highland county, via Jasper and Piketon, to Jackson court-house. From Witten's post office, via Graysville, Van Buren, Carlisle, and Pereopolis, to Cumberland. From Sunfish, down the Ohio river, via Witten's post office, to Woodfield. From Wheelersburg, via Charles Kelly's Mills, Pine Grove Aetna Furnace, Patriot, Ridgeway's, Vinton, and Wilkesville, to Smithfield. From Pennsville, via Chesterfield, to Bartlett. From Wilkesville, via Rutland, Chester, Buffington's island, and the Great Bend, in Meigs county, to Ripley, Virginia. From Wilmington, via Oakland, Howesburg, Franklin, and Winchester, to Eaton. From Wilmington, via Burlington, to Xenia. From Painesville, in Geauga county, along the north ridge road, to Ashtabula, by North Perry, Arcole, and Geneva. From Zanesfield to Downingsville, Logan county. From Franklin, Portage county, via Streetsborough, Aurora, Bainbridge, Russell, Chester, Kirkland, and Mentor, to Richmond city, Geauga county. From Akron, via Copley centre, Sharon centre, and Montville, to Medina. From Burnett's corners, via Chagrine Falls and Bainbridge, to Auburn. From Coshocton, via Roscoe, Warsaw, Mohican, and Rochester, to Danville. From Millersburg, via Nashville, to Loudonville, Richland county. From Chesterville, via Woodbury and McClure's cross-roads, to Shelby, Richland county. From Leavitt to Waynesburg. From Croxton to McCaig's. From West Jefferson, via West Canaan, Darby Creek, Alvin Randall's, in Union county, and Bellepont, to Delaware. From Lower Salem, Washington county, via Moses T. Spencer's, on Duck creek, and Bethel, to Woodfield. From Copley, by Western Star, to Clinton. From Windham, by Garrettsville, to Hiram. From McConnellsville to Francis, Treblecock's, thence to Peter Keith's, thence to Olive post office. From Reynoldsburg, via Pickerington and West Carrollton, to Lancaster. From Bellefontaine, in Logan county, to Wapakonetta, in Allen county, by the way of Lewistown, in Logan county, and St. Johns, in Allen county. From Bellefontaine, in Logan county, to St. Mary's, in Mercer county, by the way of the crossings at Plum's on the Great Miami and St. John's, and Wapakonetta, in Allen county. From Springfield, in Clark county, to New Carlisle, in the same county, by the way of Clarksburg and Northampton. From Springfield, in Clark county, to Chillicothe, by the way of South Charleston, Grassy Point, Bloomingburg, and Frankfort. From Hartford, in Trumbull county, to Greenville, in Mercer county, Pennsylvania, through the village of Orangeville. From Unionville to Ellensburg, in Geauga county. From Southington, through the centre of Farmington, to Mesopotamia in Trumbull county. From Deerfield, in Portage county, Ohio, to Edinburg in the same county. From Leavitt, by Dallas, to Waynesburg. From Ravenna, in Portage county, Ohio, to Twinsburg, in the same county, through Streetsborough. From Lafayette, on the Little St. Joseph's,

Williams county, Ohio, to Fort Wayne, Indiana. From New Lisbon, through Salem, to Benton. From Osnaburg, in Stark county, to New Cumberland, in Tuscaroras county. From Xenia, in Green county, to Dayton, in Montgomery county, on the direct route.

In Indiana—  
established.

*Indiana.*—From Monticello, via White Post, to Winamac, in Pulaski county, Indiana. From Fort Wayne, via Whitley court-house and Warsaw, to Plymouth. From Goshen to Middlebury, in Elkhart county. From Rockville, by Annapolis, West Union Westport, and Johnson's mills, to Covington. From Huntersville, by Concord, and Point Pleasant, to Attica. From Greensburg, by Hartsville and Newbern, to Columbus. From Columbus, by Mount Sidney, to Flatrock post office. From Danville, by North Salem, Carrollton, and Ladoga, to Crawfordsville. From Shelbyville, by Black-hawk, to Edinburg. From Livonia to Hardinsburg, (on the great western mail route from Louisville to St. Louis.) From Lexington, by Albion, to Stateford. From Leesville, by Baile's mills and Nashville, to Morgantown. From Spencer, by New Brunswick and Lebanon, to Merom. From Bedford, by elder John Short's (on Indian creek,) Bloomfield, and Scaffold prairie, to Bowling green. From Bedford, by Spice Valley, to Mount Pleasant. From Westfield, by Farmington, to Strawtown. From Fairfax, by Marysville and Springville, to Frasier's store. From Bedford, by Frasier's store and Hammersly's mills, to Mount Pleasant. From Vincennes, by James Stewart's and Ramsey's store, (at the rapids of the Wabash,) to Mount Carmel. From Springville, by Point Commerce and Rawley's mills, to Terre Haute. From Vincennes, by Petersburg, to Boonville. From Edwardsport, by Stafford's Bridge, to Fairplay. From Defiance, Ohio, along the Bellefontaine State road, to Mongoquining. From Muncietown, by Granville, Mount Pellicer, and Murray, to Huntington. From Marion, by Wabash town and Laketon, to Warsaw. From Fort Wayne, by Cedarville, Auburn, and Angola, to Branch court-house, Michigan. From Fort Wayne, by Orange and Vienna, to Denmark. From Centreville, by Philometh, to Brownville. From Centreville, by Greensfork, Bloomingsport, Winchester, Spartanburg, Republican and Whitewater, to Richmond. From Logansport to Sparta, in Noble county, Indiana. From Logansport, via Winamot, in Pulaski county, and Sherwood's ferry on the Kankakee and Valparaiso, to City West, in Porter county, Indiana. From Green Castle, Indiana, via New Maysville, North Salem and Jamestown, to Lebanon, Boone county, Indiana. From Merom, in Sullivan county, via Lehi, to Rawling's mill, in the county of Clay, Indiana. From Fredonia, by Princeton, Indiana, to Mount Carmel, Illinois. From Logansport, Indiana, by Leesburg, Milford, Goshen, and Middlebury, to White Pigeon.

In Illinois—  
established.

*Illinois.*—From Coles court-house, by Independence and New Albany, to Urbana. From Hillsborough to Shelbyville. From Montgomery, by Middleport, to Levi Thompson's on Spring creek. From Maysville, by Louisville and Ewington, to Shelbyville. From Marshal to Charleston. From Paris, by Urbana, to Montgomery. From Montgomery, by Parish's grove, to Williamsport, Indiana. From Danville to Williamsport, Indiana. From Equality, by Carmi and Williams's ferry, to Mount Vernon, Indiana. From Williams's ferry to New Haven. From Savannah, by Cherry grove and Crane's grove, to the mouth of the Pekatonica. From Milon to St. Charles, Missouri. From Black Partridge, by Lacon, to Hennepin. From Iroquois, by Plato and Pontiac, to Hennepin. From Pontiac, by Josephine and Holland's grove, to Tremont. From Hennepin, by Princeton, the seat of justice of Henry county, and the seat of justice of Mercer county, to New Boston. From Bloomington, by Hudson, Josephine, Black Partridge, Lacon, Wyoming, and the seat of justice of Henry county, to Stephenson. From Warsaw, Hancock county, to Augusta. From Dixon's ferry, by Harrisburg, Round grove, Whiteside county, and Union grove,

to Fulton city, on the Mississippi river. From Henderson, by Berlin, and Richland grove, Mercer county, to Stephenson. From Grafton to St. Charles, Missouri. From Grafton, by the house of J. M. Hurd, Jerseyville and Delaware, to Carlinville. From Urbana, by Clinton and Waynesville, to Havana, (on the Illinois river.) From Decatur, by Salt creek, (near the mouth of the lake fork of said creek,) to Tremont. From Danville, by Pontiac, to Ottawa. From Fort Madison, Wisconsin Territory, by Appanooe, La Houpe, Ellisville, Farmington, and Harkness, to Peoria. From Chicago, by Brush hill, Napierville, Little Rock, Pawpaw grove, and Inlet, to Dixon's ferry. From Ewington, by Salem and Martin's ferry, to Greenville. From Jonesborough, by the way of Whitaker's landing, mouth of the Muddy, and Breeseville, to Liberty. From Geneva, in Kane county, by Charleston, Elgin, McClure's grove, McHenry, Foxville, and Rochester, to Prairie village, in Wisconsin Territory. From Stephenson, in Rock Island county, up Rock river to Rockford, in Winnebago county. From Knoxville, by Lafayette, Oceola, Providence, and Windsor to Enterprise, near the termination of the Illinois and Michigan canal, on the Illinois river. From Canton, in Fulton county, by Cuba and Travis, to Macomb, in McDonough county. From Peoria, by Oceola, Thermopylæ, to Savannah, in Jo Daviess county. From Madison, the permanent seat of justice of the Wisconsin Territory, by St. George's rapids on Rock river in said Territory, and from thence down on the eastern side of said river, to Dixonville, in Ogle county. From Juliet, in Will county, by Du Page, Napierville, Geneva, Sycamore, Gatt's Mills, Sayer's Mills, Winnebago, Trask's Ferry on the Peekatonokee, Rock Grove, and Hamilton's Diggings, to Mineral Point, in Wisconsin Territory. From Lasalle, in Lasalle county, by Grand Detour, on Rock river, Freeport, and Brewster's Ferry, on the Peekatonokee, to Mineral Point, in the Wisconsin Territory. From Aurora, in Kane county, by Cottonville and Kingston, to Rockford in Winnebago county. From Macomb, in McDonough county, by Muddy Lane post office, La Harpe, Hartford and Appanooe, to Fort Madison in Iowa Territory. From Ottawa, in Lasalle county, by Dayton, Lorain, Rockville, Bristol and Hartford, to Geneva in Kane county. From St. Mary's, in Hancock county, by Hill's grove, to Macomb, in McDonough county. From Lafayette, in the state of Indiana, thence down along the Vermilion of the Illinois river to Lasalle, in Lasalle county, Illinois. From Lafayette post office, in Greene county, by Oceola and Waverley, to Springfield in Sangamon county. From Jonesborough, in Union county, by Willard's and Smith's Ferries on the Mississippi river, to Jackson, in the state of Missouri. From Liberty, in Jackson county, down along the bottom of the Mississippi river, by Breeseville, and Willard's ferry, to Clear Creek Landing, in Alexander county. From Iroquois, in Iroquois county, by Lorain, on the Kankakee river, Thornton and Portland, to Chicago. From Griggsville, in Pike county, by Worcester, to Kinderhook, in the same county. From McClure's Grove, in Kane county, by Denney's Ferry, on Fox river, Crystal Lake, Walkups in the Virginia settlement, passing the head of Geneva Lake, and Conlogi's settlement, to Janesville, on Rock river, in the Wisconsin Territory. From Springfield, in Sangamon county, by Athens and New Market, to Havana, on the Illinois river. From Dixonville in Ogle county to Savannah on the Mississippi river, in Jo Daviess county. From Pittsfield in Pike county, by Worcester and Payson, to Quincy, in Adams county. From Mendozia, in Morgan county, by Versailles post office, Mount Sterling, Clayton, Houston, and Chili post office, to Warsaw, in Hancock county. From Peoria, by Wyoming, Oceola, the Narrows of Green river, Thermopylæ, on Rock river, to Savannah in Jo Daviess county. From Lewistown, in Fulton county, by Cuba, Ellisville, and

Troy, to St. Augustine. From Manchester in Morgan county, by Linnville, Bethel, and Arenz's Mills, to Beardstown in Cass county. From Quincy, in Adams county, to Macomb, in McDonough county. From Lewistown, in Fulton county, by the Table Grove, Rall's Mills, Huntsville, Indian Point Camp and Gilmer's farm, to Quincy. From Chicago, by Geneva, the seat of justice of De Kalb county, and Oregon city, to Hitt's farm, on the road from Dixon's Ferry to Galena.

In Louisiana—  
established.

*Louisiana.*—From Vicksburg, Mississippi, by Walnut and Roundaway bayous, across Tuecas and bayou Macon, to Monroe. From Harrisonburg, by Funne Louis and Dugdemonia, to Natchitoches. From Vicksburg, Mississippi, by New Carthage, Hardy hills, Bœuf prairie, and Columbia, to Dugdemonia. From Shreveport, by Epps's settlement and Caddo prairie, to Long prairie, Arkansas. From Alexandria, by Hineston, to Jenkin's and Droddey's ferry, on the Sabine. From Thibadeauxville to Knoblock's in the parish of La Fourche interior. From Madisonville, in the parish of St. Tammany, to Warners, in the parish of Washington. From Natchitoches to Grand Cane.

In Alabama—  
established.

*Alabama.*—From Columbus, Georgia, via Mount Ararat, Salem and Coleman's, to Tallapoosa court-house. From Spring Hill, in Marengo county, via Boston, Dayton and Whitehall, to McKinley. From Cussetta, Chambers county, via Mount Jefferson and Auburn, to Tuskegee. From Benton to Selma. From Suggsville, via Gainestown, to Mount Pleasant. From Montreal, via Wedowee, to Carrollton. From Talladega, via Abney's old ferry, on the Coosa river, to Ashville. From Jacksonville, via Alexandria, to Ashville. From Jacksonville, via White Plains, Lackey's store, on Cane creek, N. Pond's in Tallapoosa, to Carrollton, Georgia. From Salem, via Larkin's fork, Trenton, Larkinsville, Santa, Langston, Wyatt, Coffee's, to Van Buren, and from Bellefonte to Scraper. From Nanafalia, in Marengo county, via Hosea's store, Rawl's store, Dumas settlement, Upper and Lower Peach tree and Packer's settlement, to Monroeville, Monroe county. From Rome, Georgia, Gaylesville, Alabama, Lynchburg, Warrenton, White Sulphur springs and Sommerville, to Decatur. From Pineville, via Tuscahooa and Mount Sterling to Quitnam, Mississippi. From Florence to Buzard roost. From Marion, Mississippi, via Alamucha, to Gaston. From Blountsville to Ashville. From Demopolis, by Longdon's store, Daniel's prairie and Clinton, to Pickensville. From Fayette court-house, by Millport, to Columbus, Mississippi. From Walker court-house, by Chilton's mills, R. J. Murphee's and R. Cameron's, to Blount's springs. From Russellville, by Heshbon, to Itawamba court-house. From Winchester, by Crow creek, Coon creek and Bolivar, to Loving's, in Wills valley. From Hickory level, by Adrian's ferry, on the Coosa river, Abacooche Gold mines, and Canal Gold mines, to Franklin, Georgia. From Fayette, Georgia, by Hopkinsville, through the Chatooga valley, by Chatooga old court-house and Jeffersonville, to Jacksonville. From Somerville, by head of Cotoco creek and Brooksville, to Bennettville. From Clayton, by Fagan's store and Crockettville, to Salem, Russell county. From Rockford, by Socapatoy, to the Georgia store, in Tallapoosa county. From Columbus, Georgia, by Fort Mitchell, the Natural bridge, Sand fort, Uchee post office and Fort Bainbridge, to Feagan's store. From Irwinton to Stockton. From Wetumpka, by Nixburg, Socapatoy, and Hatchet creek, to Talladega. From Columbus, Georgia, by Greenville, to Irvington, in Alabama. From Springfield by Benevola, Bonners' Mills, Carrollton and Yorkville to Columbus in Mississippi. From Bellefonte by Langston and De Kalb court-house to Paris in De Kalb county. *Discontinue as follows:* From Bellefonte, by Larkinsville, Trenton, Loweville, Hazle green and Madison cross-roads, to Athens. From Winchester, Tennessee, to Bellefonte. From Bellefonte to Rawlingsville.

Discontinued.

*Mississippi*.—From Holly springs, Marshall county, via Ripley, Tippoah county, Jacinto, Tishamingo county, to Tuscumbia, Alabama. From Holly springs to Hernando, De Soto county. From Pontitoc, via Oxford, to Panola. From Coffeeville, via Oakland, to Charleston, Tallahatchie county. From Brandon, via Raleigh and Garlandville, to Quitman. From Carrollton to Douglass, on the Yazoo river. From Granada, by Preston, Oakland and Ragbourn's to Panola. From Wyatt, in the county of Lafayette, by Chulahoma, Hancock's, Labeau's, and Hernando, to Memphis, Tennessee. From Ripley, in Tippah county, via Cornersville, to Oxford, Lafayette county. From Jackson, Mississippi, to Memphis, Tennessee, via Canton, Bole's ferry, on the Big Black river, Franklin, Lexington, Carrollton, Grenada, Belmont and Jefferson. From Carrollton, via Grenada to Coffeeville, Oxford, Wyatt, Chulahoma and Holly springs, to Lagrange, in Tennessee. From Jackson, via Madisonville, Doak's old stand, Kusciusko, Greensboro, Houston, Pontotoc, and Ripley to Bolivar in Tennessee. From Fulton, in Itawamba county, via Pontotoc, Ponola, or Belmont, to Tunica court-house. From Ellisville, via Paulding, to Quitman. From Quitman to Washington court-house, Alabama. From Columbus, by Winstonville, Somerville, Philadelphia, and Dixon, to Hillsboro. From Madisonville, by Densonville, Ludlow and Hillsboro, to Carthage. From Houston, by Grenada and Middleton to Louisville. From Pontotoc, by Red Land (Williams,) to Houston. From Chulahoma, by Oak Hill, and Castlehill, to Memphis, Tennessee. From Ponola court-house, by Peyton, to Helena, Arkansas. From Helena, Arkansas, by Powhattan, Coahoma county, to White river, Arkansas. From Stackville, by Lafayette and Bell Fontaine, to Greensboro. From Hardin court-house, Tennessee, by Nashville, Jacinto and Carrollsville, to Pontotoc. From Aberdeen, by Fulton, to Jacinto. From Fulton to Russellville, Alabama. From Tuscaloosa, Alabama, by Jamestown, Brooklyn, Mount Pleasant, Mo-za-bu-sha to Hillsborough. From Greensboro, by Graysport to Grenada. From Panola court-house by Sardinia, Oakland, Preston and Troy to Grenada. From Kennedy's store, in Clopiah county, Mississippi, by Haley's ferry, Concord, Steen's creek, Brandon and Densonville to Carthage, in Leoki county. From Mobile the nearest and most direct route to Winchester in Mississippi. From Columbus by Waverley or Mullin's bluff in Lowndes county, to Colbert. From Hernando, by way of Castleville, Oak Hill and Chulahoma, to the town of Wyatt. From Manchester by Benton, Montgomery, Franklin, Lockhart's store, Wheeling and Shongola, to Greensboro in Mississippi. From Pontotoc, via Houston to Greensboro in the State of Mississippi. From Montgomery, via Selma, Marion, Greensboro, Erie, Jones's Bluff, and Livingston, Alabama, Marion, Decatur, Hillsboro, and Brandon, to Jackson, in Mississippi. From Panola court-house to Grenada, via Gen. John Raybourn's, Caledonia, Yokanapatalpho, Oakland and Preston.

In Mississippi  
—established.

*Missouri*.—From Bailey's landing, on the Mississippi, in Lincoln county, by Troy, Thomas Glover's, Dutton's, and Anderson's, to Danville. From Columbia to Mexico. From Carrollton to Far West. From St. Francisville to Farmington, Iowa Territory. From Richmond to Camden, thence to Liberty, Clay county, via Smith's mills, Camden point, and Blacksnake hills, to the mouth of Nodaway river. From Martin's, Clay county, at the falls of the Platte, to the Blacksnake hills. From Plattsburg to the Blacksnake hills. From Lexington, by Greenton, Cool spring, and Lone Jack, to Harrisonville. From Georgetown, by Rives court-house, Ocoola, Henry Clement's and Sarcocie, Barry county, to Mount Pleasant, Barry court-house. From Warrenburg, Johnson county, by Rives court-house, to Bolivar. From Meramee iron works to Jefferson city. From Columbia, by Mount Vernon, Pisgah, Palestine, Mount Carmel, and Arraton, to Georgetown. From Jonesborough, by Salt-

In Missouri—  
established.

pond grove, and Johnson's grove, to Lexington. From Jonesborough to Georgetown. From Mount Pleasant, by Cowskin, Beatty's prairie, and Vineyard, Arkansas, to Fort Smith. From Rocheport, by Connor's mills, Cooper county, and Pisgah, to Round-hill post-office. From Bloomfield, Stoddard county, by the lower end of West prairie, to the house of Martin Wood. From Van Buren, by Charles Huddleston's, to Izard court-house, Arkansas. From Jefferson city, by California, to the Round-hill post-office. From Carrollton, by Utica and Naves's store, to Thompson's settlement, in the territory attached to Livingston county. From Richmond to Utica. From Glasgow, Howard county, to Four-mile prairie. From Woodville, Macon county, to Newark, Lewis county. From Huntsville, by Johnson Wright's, to Macon court-house. From Sand Hill, Lewis county, to St. Francisville. From Mexico, Audrain county, by Bowling Green, to Clarksville. From Keytersville to Macon court-house. From Keytersville to Linn court-house. From Jefferson city, by Miller court-house, to Versailles. From Jonesborough to Johnson court-house. From Arrow Rock, to old Jefferson, Saline county. From the city of St. Louis, to Portage Desseaux, by the way of the mouth of the Missouri river and Bellefontaine. From Clarksville, in Missouri, to Phillip's ferry, on the Illinois river, in the State of Illinois. From Palmyra to Shelbyville. From Springfield, Missouri, to Fayetteville, Arkansas. From St. Louis, by Springfield, to Cane-hill, in Arkansas. From Palmyra to Shelbyville.

In Arkansas—  
established.

*Arkansas.*—From Dwight, Pope county, to Crooked creek, Carroll county. From Dardanelles, Pope county, to Fort Smith, on the south side of Arkansas river. From Little Rock, by Clinton and Marion court-house, to Springfield, Missouri. From the mouth of Cache, by Pine Bluffs, to Ecore a Fabre. From Little Rock, by Erwin's settlement, White county court-house, Litchfield, and Powhattan, to Jackson. From Ozark, Franklin county, by Huntsville, Madison county, to Osage, Benton county. From the Mouth of Cache, by Searcy, White county, to Clinton. From Helena, by Tunica court-house, Mississippi, Panola court-house, and Oxford, Lafayette county, to Pontitoc. From Athens, Izard county, to Springfield, Missouri. From Pocahontas, through the northern part of Green county, to Stoddard court-house, Missouri. From Jackson, by Long's on Strawberry river, to Athens, Izard county. From Fayetteville, by Ozark, to Scott court-house. From Fort Smith to Scott court-house. From Clarksville to Carrollton, in Carroll county. From Lake Port G. Bayou Moses Hill, to Bayou Bartholomew. From Ecore a Fabre to the Union court-house. From Scott court-house, Hot Springs and Coddoo Cave, to Parclifta. From Conway, Long Prairie, to Natchitoches, in Louisiana.

In Michigan—  
established.

*Michigan.*—From Battle creek to Hastings. From Whitmansville, by Charleston, to Lafayette. From Belvidere to Mount Clemens. From Detroit, through Greenfield, to Southfield. From Marshall, by Verona, to Hastings. From Paxton, by Howell, to Owasco. From Granville to Port Sheldon, in Ottawa county. From Jackson, by Ingham and Howell, to Flint. From Pontitoc, by Howell, to Jackson. From Flint, Genesee county, by Bearsleyville, to Lapier. From Cassopolis, by Whitmansville, to Keelersville. From Monroe, by Stony Creek, Exeter, Huron, and Roson's mill, to Ypsilanti. From Flat-rock, in Brownstown township, to Gibraltar. From Lapier, by Langdon and Mount Pleasant, to Grand Blanc. From Ingham to Jefferson. From Saranac to Ionia. From Springville, by Brooklyn, Jefferson, Spring Arbor, Concord, Albion, and Berne, to Marshall. From Concord, Jackson county, to John Wilbur's, in the town of Pulaski. From Battle creek, Calhoun county, to Cold water, via Goodwinsville. From Battle creek to Galesburg, via Augusta. From Bellevue, by Vermonticello, to Ionia. From Jackson to Gamblesville. From Galaston, by Otsego, to Allagan. From

Jonesville, in Michigan, to Evansport, in Ohio. From Ingham to the mouth of North black river. From the county seat of Van Buren county to the mouth of South Black river. From Monroe to Adrian. From Adrian to Springville. From Marshal to Ingham.

*Wisconsin.*—From Janesville, by New Albany, mouth of Picatonica, and Rockford, to Dixon's ferry, Illinois. From Rockford, by Brewster's ferry, to Wiota. From Chicago, by McHenry, Fontana, (at the head of Lake Geneva, Turtle creek, Janesville, Hume, and Madison, to Wisconsin city, on the Wisconsin river. From Southport, by Pleasant prairie and Geneva, to the county seat of Walworth county. From Milwaukee, by New Berlin, Springfield, and Troy, to Janesville. From Green Bay, by Depere, La Fontaine, Calumet village, Fond du Lac, and Fox lake, to Madison, and from Fox lake to Fort Winnebago. From Fond du Lac, by the mouth of Fox river, to Little Butte des Morts. From Fond du Lac to Sheboygan. From Green Bay, by Neeshoto, to Twin river. From Milwaukee, by Lisbon, Belletere, and Watertown, to Kentucky city. From Janesville, by Jefferson, to Watertown. From White-oak springs, by New Diggings and Milseat bend, to [Elk Grove.] From Duck creek to Green Bay. From Helena, via English prairie, to Prairie du Chien. From Galena, Illinois, by Sinsinawa mound, to Du Buque. *Discontinue as follows:*—From Milwaukee to the outlet of Lake Koshkenong. From the outlet of Lake Koshkenong to the city of the Four Lakes. From Little Butte des Morts to Fort Winnebago. From Fond du Lac to the city of the Four Lakes. From Fond du Lac to Fort Winnebago.

In Wisconsin  
—established.

Discontinued.

*Iowa.*—From Dubuque to the county seat of Delaware county. From Dubuque, by the county seat of Jones county, and Rochester, on the Red Cedar, to West Liberty. From Dubuque, by Richfield, Point Pleasant, and Davenport, to Stephenson, Illinois. From Davenport, by Centreville and Moscow, to Rochester on the Red Cedar river. From Fort Madison, by West Point and Tuscarora, to Bentonport. From New Boston, Illinois, by Blackhawk and Wappello, to Mount Pleasant. From Fort Madison, Iowa, to Carthage, Illinois. From Bloomington, by Cedarville, and West Liberty, to Napoleon. From Wappello, by Catesse and Sissinamo, to Napoleon. From Wapesequinicon to Bellevue; the present route to be changed so as to run by Camanche, New York, Lyons, and Charleston. From Burlington, via Ellison's creek, Illinois, St. Augustine and Middle grove, to Peoria.

In Iowa—es-  
tablished.

SEC. 2. *And be it further enacted,* That each and every railroad within the limits of the United States which now is, or hereafter may be made and completed, shall be a post route, and the Postmaster General shall cause the mail to be transported thereon, provided he can have it done upon reasonable terms, and not paying therefor in any instance more than twenty-five per centum over and above what similar transportation would cost in post coaches.

All railroads  
shall be post-  
routes, and the  
Postmaster Ge-  
neral cause the  
mail to be trans-  
ported thereon.

1839, ch. 4.

SEC. 3. *And be it further enacted,* That the above post routes shall go into operation on the first of July, eighteen hundred and thirty-nine, or sooner, should the funds of the Department justify the same; *Provided,* That as soon as a responsible contractor shall offer to transport the mails over any portion of the above routes for the revenue derived from the new offices to be established thereon, until the first of July, eighteen hundred and thirty-nine, the Postmaster General shall forthwith put them into operation.

The above  
routes shall go  
into operation  
on 1st July  
1839, or sooner,  
&c.  
Proviso.

APPROVED, July 7, 1838.



## STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXIII.—*An Act making appropriations for certain fortifications of the United States for the year one thousand eight hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, for certain fortifications, viz :

Fort Warren.  
Castle Island  
and Fort Independence.  
Fort Adams.  
New London harbor.  
Fort Schuyler.

For Fort Warren, Boston harbor, one hundred thousand dollars;  
For the preservation of Castle island, and repairs of Fort Independence, Boston harbor, fifty thousand dollars;

Ft. Delaware.  
Fort McHenry,  
Redoubt Wood, and Covington battery.  
Fort Monroe.  
Fort Calhoun.  
Charleston harbor.  
Fort Moultrie.  
Fort Pulaski.

For Fort Adams, Rhode Island, one hundred thousand dollars;  
For fortifications at New London harbor, Connecticut, twenty-five thousand dollars;

For Fort Schuyler, East river, New York, one hundred thousand dollars;

For Fort Delaware, Delaware river, forty thousand dollars,  
For Fort McHenry, Redoubt Wood, and Covington Battery, near Baltimore, thirty-two thousand four hundred and fifteen dollars;

For Fort Monroe, Virginia, one hundred thousand dollars;  
For Fort Calhoun, Virginia, thirty thousand dollars;  
For fortifications in Charleston harbor, and for the preservation of the site of Fort Moultrie, one hundred and seventy-five thousand dollars :

For Fort Pulaski, Cockspur Island, Georgia, one hundred thousand dollars;

Fort at Foster's bank.  
Fort Marion,  
and sea-wall at St. Augustine.  
Bridge at Fort Monroe.  
Fort Caswell.

For the fort at Foster's bank, Florida, thirty-three thousand dollars;  
For repairs of Fort Marion and of the sea-wall at St. Augustine, twenty-nine thousand five hundred dollars;

For the purchase of the charter right to the bridge across Mill creek, at Fort Monroe, four thousand dollars ;

For securing the site of Fort Caswell, Oak Island, North Carolina, eight thousand five hundred dollars ;

Old fort at the Barancas.

For repairs of the Old Fort at the Barancas, Pensacola, seventy-five thousand dollars ;

Fort Niagara.

For repairing Fort Niagara in the State of New York, three thousand dollars ;

Contingencies.

For contingencies of fortifications, ten thousand dollars.

How to be expended.

SEC. 2. *And be it further enacted,* That of the sums appropriated by this bill a portion not to exceed fifty per centum upon all the items above fifteen thousand dollars, shall be drawn from the Treasury during the present year, and the balance of the said appropriations shall be expended for the objects designated, during the year one thousand eight hundred and thirty-nine.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXIV.—*An Act to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York.*

The Collector,  
Naval Officer,  
and District Attorney of New York to constitute a commission to ascertain the amount of goods destroyed by the great conflagration in New York, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collector of the customs for the port of New York, the naval officer of the said port, and the district attorney for the southern district of the State of New York, be, and they are hereby, constituted a commission to ascertain the amount of duties paid, or secured to be paid, upon all goods, wares, and merchandise destroyed, in unbroken and original packages as imported, by the great conflagration which took place in the city of New York on the sixteenth and seventeenth days of December in the year one thousand eight hundred and thirty-five, and the name or names and places of residence of the several persons entitled, as owners of the said goods, or otherwise, to receive or have remitted to them the amount

of the duties so paid or secured to be paid, upon the several parcels and packages of goods so destroyed, pursuant to the provisions of this act.

SEC. 2. *And be it further enacted*, That the said commissioners shall meet at such time and place in the city of New York, as shall be appointed by the Secretary of the Treasury by a notice for that purpose, to be published in at least five of the public newspapers printed in the said city, for the period of at least ten days before the time appointed for the said meeting; and, when so convened, shall proceed to take testimony in relation to the goods so destroyed, and the amount of duties paid, or secured to be paid, to the United States thereupon, and to the persons entitled to receive or have remitted to them the amount of such duties; and shall continue the examination and investigation as constantly as their other official duties will permit, until all the claims presented to them for the remission or refunding of duties provided for by this act, which may be presented to them, shall be examined to their satisfaction; but no claim shall be received which shall not be presented within four months from and after the time appointed by the Secretary for the first meeting of the commissioners; and each of the said commissioners shall be, and is hereby, authorized to administer the necessary oaths to all persons who are to give testimony in the premises; and all the testimony presented to or taken before the said commission, shall be committed to writing, and signed by the respective witnesses giving the same; and any wilful false swearing before the said commission, or in any affidavit or deposition taken before any one of the said commissioners, shall subject the person guilty of the offence, upon conviction before any court of competent jurisdiction, to the punishment prescribed by the laws of the United States for wilful perjury.

SEC. 3. *And be it further enacted*, That, as soon as the said commissioners shall have finally closed the taking of testimony in relation to any one or more claims, they shall cause to be made a full and perfect statement of the goods, wares, and merchandises proved in said claim or claims, to their satisfaction, to have been destroyed at the conflagration aforesaid, in the unbroken and original packages in which the same were imported, designating in such statement the number of packages, the rate and amount of duty upon each, and the name of the person or persons entitled to receive or have remitted to him or them the duties paid, or secured to be paid, upon each package, and the fact whether such duty has been paid or remains unpaid and secured in the ordinary manner, and shall ascertain and report whether any and what part of the merchandise so destroyed was insured or sold, what proportion of the insurance has been paid, or is secured to be paid in consequence of its destruction by the conflagration aforesaid, and shall deduct from the certificate to be granted under the provisions of this act, the amount paid on such insurance and the amount of duties paid on the goods sold. And the said commissioners shall cause three fair copies of such statement to be made and certified by themselves to be the true and correct results of their investigations, one of which copies they shall file with the collector of the customs for the port of New York, another with the naval officer of the said port, and the third together with the testimony taken before the said commission they shall transmit to the Secretary of the Treasury, to be by him kept on file in his Department.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, with as little delay as practicable, to examine the testimony taken before the said commission, from time to time, as the same shall be returned to him, to compare the same with the said statement and adjudications of the said commissioners, and to signify to them his approval or disapproval of their determination as to each claim; and as soon as the determination of the Secretary shall be

Time and place of meeting of said commissioners.

Notice of to be given.

Duty of the commissioners.

Claims must be presented within four months.

Commissioners empowered to administer oaths.

Testimony to be committed to writing.

Penalty for false swearing.

Commissioners to make a full statement of their investigation.

Three copies of said statement to be made and certified by the commissioners.

Sec. Treas. to examine the testimony from time to time, and signify his approval or disapproval of the determination of the commis-

sioners as to each claim.  
Commissioners to deliver the approval, with a certificate, to each claimant.  
Proviso.

Proviso.

1836, ch. 42.

Certificates to be received in payment of duties.

Certificates, after being cancelled, shall be transmitted to the Secretary of the Treasury.

Proportionate remission on packages only partially destroyed.

A clerk may be employed—his salary.

officially communicated to the said commissioners, as to any one or more of the said claims, they shall forthwith execute and deliver to each claimant, whose claim has received the approval of the Secretary, a certificate, signed by them, and stating the amount of duties which the claimant has paid, and is entitled to have refunded to him, and the amount he has secured to be paid, and is entitled to have remitted upon his bonds: *Provided*, That no such certificate shall be delivered to any claimant, his agent or attorney, or to his order, until he, or some person on his behalf, shall have executed and delivered to the collector of the customs for the port of New York, a bond, with sureties to the satisfaction of the said collector, in a penalty of double the sums to be refunded or remitted, as shown by the said certificate, and conditioned for the repayment, to the United States, of the whole amount refunded or remitted to such claimant, with interest from the date of the said bond, in case it shall thereafter be made to appear that the goods upon which the duties so remitted or refunded were chargeable, were not in fact destroyed at the conflagration aforesaid. *Provided*, That in all cases when the applicant for relief under this act shall have had bonds other than those given for duties on goods destroyed by said fire, suspended under the act entitled "An act for the relief of the sufferers by fire in the city of New York," approved nineteenth March eighteen hundred and thirty-six, the amount of twenty-four per cent. on the amount of duties secured by such bonds shall be deducted from the sum which would otherwise be remitted to such applicants under this act.

SEC. 5. *And be it further enacted*, That upon the presentation by any person to the collector of New York, of any certificate so issued by the said commissioners, showing that a remission is to be made upon any unpaid bond given to secure duties, and then in the hands of the said collector, it shall be his duty to make the requisite endorsement upon the said bond or bonds, and likewise so far to cancel the said certificate by a proper endorsement thereon as his endorsement upon the bond or bonds shall require, and so far as any such certificate shall show that duties paid are to be refunded, the said collector of the port of New York shall receive such certificate in lieu of money for the payment of duties at all times endorsing upon the certificate the amount of duties thus cancelled by its presentation; and as fast as the said certificates shall be thus fully cancelled the said collector shall retain and transmit [them] to the Secretary of the Treasury to be by him placed upon the files of the Department, with the statement from which they were issued, and the testimony upon which the duties are refunded or remitted.

SEC. 6. *And be it further enacted*, That in all cases where any article or package, as imported, shall have been partially and not entirely destroyed by the said conflagration, the remission or refunding of duties upon such article or package shall be in proportion to the destruction by the said fire, as that proportion shall be ascertained and certified to the said commissioners by the appraisers for the port of New York; but this section shall not be so construed as to extend to any merchandise or property destroyed or damaged other than in the original and unbroken packages as imported.

SEC. 7. *And be it further enacted*, That the said commissioners may employ a clerk who shall be paid for his services out of any unappropriated money in the Treasury such reasonable compensation as the Secretary of the Treasury shall allow, which payment the said Secretary is hereby authorized and directed to make, not to exceed the rate of two thousand dollars per annum.

APPROVED, July 7, 1838.

CHAP. CLXXV.—*An Act to establish a new collection district in the State of Mississippi.*

STATUTE II.

July 7, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the State of Mississippi north of the point where the range line strikes the Mississippi river, between townships thirteen and fourteen, of the Washington land district, is hereby created a collection district, to be called the Vicksburg district, whereof Vicksburg shall be the port of entry, subject to all the regulations and duties prescribed in regard to the district of Mississippi, by an act passed the thirtieth of June, eighteen hundred and thirty-four, entitled "An act to establish a port of entry at Natchez, in Mississippi, and creating certain other ports of delivery, and for other purposes;" and that Grand Gulf shall be a port of delivery within said district of which Natchez is the port of entry.

Collection district to be established, &c.

Vicksburg to be a port of entry.

1834, ch. 135.

Grand Gulf to be a port of delivery.

APPROVED, July 7, 1838.

CHAP. CLXXVI.—*An Act to establish additional land offices in the States of Louisiana and Arkansas.*

STATUTE II.

July 7, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the disposal of that portion of the lands belonging to the United States in the State of Louisiana, within the following boundaries, to wit: beginning at the point on the Sabine river, where the base line or thirty-first degree of north latitude strikes the same; thence up said river to the point where the boundary line between the United States of Mexico and the aforesaid State of Louisiana shall leave the same; thence with said boundary, when the same shall be finally fixed, to the northern boundary of the State; thence east with said northern boundary to the dividing line between ranges three and four west; thence with said dividing line south to the base line or thirty-first degree of north latitude; thence with said line to the beginning: a land office shall be established and kept in the town of Natchitoches, to be known as the office for the Northwestern land district in the State of Louisiana.

A land office to be established in Natchitoches.

SEC. 2. *And be it further enacted,* That a register and receiver of public moneys shall be appointed for said land district in the manner required by law, who shall reside in the town of Natchitoches; they shall give bond and security in the same manner and in the same sums, as other registers and receivers in said State; and their salaries, emoluments, duties and authority shall in every respect be the same, in relation to the lands in the aforesaid district as are now given or granted to the registers and receivers in the other land offices in said State.

Register and Receiver to be appointed; their bonds, salaries and duties.

SEC. 3. *And be it further enacted,* That during the continuance of the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved June twenty-second, in the year eighteen hundred and thirty-eight, the register and receiver of the aforesaid land district shall attend at least once in two months if necessary at Shreveport in said district for the purpose of receiving proof of and acting on such claims for pre-emption rights, as may be presented to them under said act, and remain at said place as long as may be necessary not exceeding two weeks at a time, and said register and receiver shall give public notice for at least two weeks of the time they will attend at said place.

During the continuance of act of 22d June, 1838, ch. 119, the register and receiver shall attend at Shreveport, &c.

SEC. 4. *And be it further enacted,* That the Commissioner of the General Land Office is hereby invested with authority to direct in what manner and on what conditions the said land office shall be supplied with plats and copies of plats and surveys from the offices now establish-

Commissioners of General Land Office to direct how the office shall be

supplied with  
plats, &c.

What portion  
of Fayetteville  
district shall be  
called the West-  
ern district.

Register and  
receiver to be  
appointed.  
Their compen-  
sation.

The necessary  
books, plats,  
&c. of the pub-  
lic lands to be  
filed in said of-  
fice.

ed at Monroe and Opelousas, and the office of the Surveyor General of Louisiana.

SEC. 5. *And be it further enacted*, That all that portion of the present Fayetteville district which lies south of the line between townships eleven and twelve north of the principal base line, shall form a separate land district, and be called the Western land district, and the land office for said district shall be established at the county seat of Johnson county or such other place as the President of the United States shall designate.

SEC. 6. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, under the existing laws, a register and receiver in and for said district, whose compensation shall be the same as provided for other registers and receivers; and it shall be the duty of the Secretary of the Treasury, as soon as it can be done, to cause the necessary tract books, plats, maps and surveys of the public lands, in said district, to be filed in said office; and all applications for entries in said district shall be made as heretofore prescribed by law at the land offices now established, until the first day of June next.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

[Expired.]

Act of 18th  
January, 1837,  
ch. 3, continued  
for two years.  
Act of Feb. 27,  
1841, ch. 13.

CHAP. CLXXVII.—*An Act to continue in force the act for the payment of horses and other property lost in the military service 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 act approved January eighteen, one thousand eight hundred and thirty-seven, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," be, and the same is hereby, continued in force for two years from the end of the present session of Congress.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

Captains of  
steamboats ar-  
riving in the U.  
S. with coal on  
board, may pro-  
ceed with the  
same to foreign  
ports without  
paying duty  
thereon. Acts  
repealed.

CHAP. CLXXVIII.—*An Act exempting from duty the coal which may be on board of steamboats or vessels propelled by steam on their arrival at any port in the United States.*

*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, it shall be lawful for the captain or master of any steamboat or vessel propelled by steam, arriving at any port in the United States, to retain all the coal such boat or vessel may have on board at the time of her arrival, and may proceed with said coal to a foreign port, without being required to land the same in the United States, or to pay any duty thereon; and all acts inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXIX.—*An Act making appropriation for the compilation of the laws of Florida.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of two thousand dollars be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended in compiling the statutes and other laws of the Territory of Florida; the same to be placed for that purpose under the control of the Governor of said Territory.

APPROVED, July 7, 1838.

CHAP. CLXXX.—*An Act making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys, for the year one thousand eight hundred and thirty-eight.*

STATUTE II.

July 7, 1838.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following appropriations be, and the same are hereby, made and directed to be paid out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to cause to be erected and established, the light-houses, beacon-lights, buoys, and to make the surveys herein provided for, to wit:

*State of Maine.*—For the erection of two buoys near the entrance of Portland harbor, viz: one on Taylor's ledge, and one on Broadcove rock, five hundred dollars.

Maine.  
Taylor's ledge  
and Broadcove  
rock.  
Wood island.

For rebuilding the light-house on Wood island, five thousand dollars.

For placing monuments on Fort-point ledge, Adam's ledge, and Buck ledge, in Penobscot river, one thousand three hundred dollars, in addition to the former appropriation for that purpose.

Fort-point  
ledge, Adam's  
ledge, and Buck  
ledge.

For placing a monument on Bulwark ledge, about seven miles east-southeast of Portland light-house, three thousand dollars.

Bulwark  
ledge.

For placing one buoy on Drummer's ledge, south of Mark island, and one buoy on Mark island ledge, five hundred dollars.

Drummer's  
ledge and Mark  
island ledge.  
Bear island.

For erecting a light-house on Bear island, at the entrance of Mount Desert harbor, three thousand dollars.

For erecting a monument on Bunker's ledge, outside of said island, one thousand dollars.

Bunker's  
ledge.

For placing one buoy at the southwest entrance of said Mount Desert harbor, and two buoys on the reef in the middle of Bass harbor, one hundred and fifty dollars.

Mount Desert  
harbor, and  
Bass harbor.

For placing a buoy on Bantam ledge, outside of Ram island, two hundred dollars.

Bantam ledge.

For erecting a stone beacon and a buoy on Half-tide ledge in the county of Hancock, twelve hundred dollars.

Half-tide  
ledge.

For placing a spar buoy on a ledge in the vicinity of Crab-tree's point, about four miles below Sullivan harbor, in said county, one hundred and fifty dollars.

Crab-tree's  
point

For the erection of a monument or beacon on York ledge, off the entrance of York harbor, ten thousand dollars.

York ledge.

For erecting a light-house and sea-wall at Saddle-back ledge, in Penobscot bay, ten thousand dollars in addition to the former appropriations.

Saddle-back  
ledge.

*State of New Hampshire.*—For the erection of a pier on the east side of Whaleback light-house, to protect the same, seventeen thousand dollars, in addition to the appropriation already made for that purpose.

New Hamp-  
shire.  
Whale-back  
light-house.

*State of Massachusetts.*—For the erection of two small beacon-lights, on the north side of Nantucket island, in addition to a former appropriation for that purpose, two thousand one hundred dollars.

Massachusetts.  
Nantucket isl-  
and.

For completing the light-house on Mayo beach, in Welfleet bay, two thousand dollars.

Mayo beach.

For a monument, in the place of one carried away, on Bowditch's ledge, in the harbor of Salem, five thousand dollars.

Bowditch's  
ledge.

For a monument on Bowbill ledge, in the harbor of Manchester, or for removing the same, at the discretion of the Secretary of the Treasury, five thousand dollars.

Bowbill ledge.

For rebuilding the two light-houses on Plumb island, near Newburyport, four thousand dollars.

Plumb Island.

*State of Rhode Island.*—For buoys or dolphins in Providence river, six hundred dollars.

Rhode Island.  
Providence ri-  
ver.  
Paucatuck ri-  
ver.

For placing two spindles at the mouth of Paucatuck river, the sum of four hundred dollars.

Connecticut.  
Mystic river.

Ram island  
and Turner's  
reef.

Lynde point.

Fairweather  
island.

Milford harbor.

Shoal ledge.  
Pond reef.  
Cornfield point  
rock, Adams  
rock, and Oys-  
ter Pond point  
rock.

New York.  
Romer's  
shoals.

Esopus mea-  
dows.

Cedar island.

Fisher's  
sound.

Gedney's  
channel.  
New Jersey.  
South Amboy.  
Great Beds.  
Billop's Point  
shoal.  
Middle  
Ground.  
Old Orchard  
shoal.  
Great Kill  
shoals.  
Corner Stake.  
Shorter's is-  
land.  
Bergen point.  
Mill rocks.  
The first oys-  
ter bed.  
Corner Stake.  
The crossing  
place.  
The elbow.

Delaware.  
Five Fathom  
Bank.

Maryland.  
Pool's island.

Virginia.  
James river.

Potomac.

*State of Connecticut.*—For placing six buoys in the western, and six in the eastern entrance of Mystic river, from Fisher's island sound, in the State of Connecticut, according to the survey and estimate of F. H. Gregory, reported to the Board of Navy Commissioners on the seventh day of August last, four hundred and thirty-five dollars; and for buoys on the rock in the channel east of Ram island, and upon Turner's reef, according to said survey and report, one hundred dollars.

For the erection of a light-house on Lynde point, at the mouth of Connecticut river, in addition to the sum of five thousand dollars already appropriated, two thousand five hundred dollars.

To complete a sea-wall, to preserve the light-house and other buildings on Fairweather island, near Blackrock harbor, pursuant to the report of Captain Gregory, one thousand five hundred dollars.

For the erection of buoys on such of the rocks in the harbor of Milford as may be designated by the Superintendent of Light-houses for that district, three hundred dollars; for one buoy on a ledge called the Shoal, west of Black point, and one buoy on Pond reef in the bay of Niantick, one hundred and sixty dollars; for buoys on Cornfield point rock, Adams rock, and Oyster Pond point rock, near Plum island, in Long Island sound, two hundred and forty dollars.

*State of New York.*—For completing a beacon on Romer's shoals, in addition to the appropriation heretofore made, ten thousand dollars; to be expended under the direction of a competent engineer, to be selected by the Secretary of the Treasury.

To complete a light-house on Esopus meadows, on the western shore of the Hudson river, three thousand dollars, in addition to the sum heretofore appropriated.

To complete a light-house on Cedar island, Sag Harbor, two thousand five hundred dollars, in addition to the sum heretofore appropriated.

For the erection of a light-house on the northern islet in Fisher's sound, near the northwest end of Fisher's island, three thousand dollars.

For the payment of the balance remaining due for the expenses of procuring and locating buoys in the new channel in the port of New York, lately discovered and called Gedney's channel, eight hundred and seventy dollars and thirty-six cents.

*New Jersey.*—For erecting a small beacon-light at South Amboy, and putting down the following buoys, to wit: One on the tail of the Great Beds; one off Billop's Point shoal, southwest part of Staten island; one on the Middle Ground, near Prince's bay; one on the Old Orchard shoal; one off the point of the Great Kill shoals, one thousand and fifty dollars.

For the erection of a beacon-light at the Corner Stake so called, between Elizabethtown point, and Shorter's island; also another small light or lantern on Shorter's island; also for buoys, &c. at the following places: A spar buoy at Bergen point; a spar buoy at the Mill Rocks, in Newark bay; a spar buoy on the first oyster bed or point of the bar between the Hackensack and Passaic channels, one and a half mile below the crossing place; a spar buoy at the Corner Stake, so called; a spar buoy at the crossing place, on the north side; a spar buoy at the elbow; all pursuant to the report of Captains Kearney, Sloat, and Perry, thirty-four hundred dollars.

*State of Delaware.*—For rebuilding a floating-light on Five Fathom Bank, at the entrance of the Delaware Bay, the sum of fifteen thousand dollars.

*State of Maryland.*—For placing four buoys at or near Pool's Island channel, the sum of one thousand two hundred dollars.

*State of Virginia.*—For placing spar-buoys in James river, between Day's point and Richmond city, on such ledges and shoals as may be selected, two thousand dollars.

For building a light-boat to take place of the one in the narrows of the Potomac, eight thousand dollars

For placing three or more buoys at the entrance of Onancock creek, in the county of Accomac, three hundred dollars.	Onancock creek.
<i>State of North Carolina.</i> —For marking, staking out, and placing buoys or other such monuments as are most suitable to designate the channels in Crowatan sound, and at the outlets of Pasquotank, Little and Perquimans rivers, one thousand dollars.	North Carolina. Crowatan sound. Pasquotank, Little, and Per- quimans rivers.
For the construction of a new light-boat in lieu of that now stationed off Wade's point, eight thousand dollars.	Wade's point.
For a light-house on Pea island or Boddy's island as the Secretary of the Treasury shall deem to be most for the public interest, five thousand dollars.	Pea island or Boddy's island.
For three buoys or such marks, designating Chickama-comico chan- nel in Hyde county, as shall be found most suitable for that purpose, one hundred and fifty dollars. For placing buoys at the mouth of Shallote river, five hundred dollars.	Chickama-co- mico channel. Shallote river.
<i>State of Ohio.</i> —For securing or rebuilding on a better site, the light-house on Turtle island, at the entrance of Maumee bay, in Lake Erie, six thousand seven hundred dollars.	Ohio. Turtle island.
For completing a beacon-light near the entrance of Sandusky bay, three thousand dollars, in addition to the sum heretofore appropriated for that purpose.	Sandusky bay.
For the construction of a light-house on the northwest end of Bass island, commonly called Put-in-bay, in Lake Erie, instead of one on Cunningham's island, three thousand dollars.	Bass island.
For placing buoys on a shoal or sunken island, near the western Sister island, and to the southward thereof, in Lake Erie, five hundred and fifty dollars.	Sister island
<i>State of Georgia.</i> —For constructing a floating-light, to be stationed in Tybee channel, ten thousand dollars, in lieu of an appropriation of that sum heretofore made for a similar light on Martin's Industry shoal.	Georgia. Tybee channel
For placing three buoys at the entrance of St. Andrew's inlet, five hundred and forty dollars.	St. Andrew's inlet.
For placing beacons or buoys at the entrance of Brunswick harbor, the sum of one thousand dollars.	Brunswick harbor.
<i>State of Alabama.</i> —For the construction of a light-house on Dau- phin island, eight thousand dollars.	Alabama. Dauphin isl
<i>State of Louisiana.</i> —For marking the entrance and the channel of Atchafalaya bay, one thousand five hundred dollars.	Louisiana. Atchafalaya bay.
For rebuilding the light-house at the southwest pass of the Missis- sippi river, twenty thousand dollars.	Mississippi r.
For completing a light-house at or near the southwest pass on the Vermilion bay, eight thousand dollars, in addition to the sum hereto- fore appropriated.	Vermilion bay.
<i>State of Michigan.</i> —For rebuilding a light-house on Bois Blanc island, if a suitable site for the same can be found on said island, five thousand dollars.	Michigan. Bois Blanc isl.
For erecting a light-house at New Buffalo, on Lake Michigan, five thousand dollars.	New Buffalo.
For erecting a light-house on South Manitou island, Lake Michigan, five thousand dollars.	South Manitou island.
For erecting a light-house on the ledge or reef near Wagooshance, in the Straits of Michillimackinac, twenty-five thousand dollars.	Ledge near Wagooshance.
For erecting a light-house at Presque isle, Lake Huron, five thou- sand dollars.	Presque isle.
For erecting a light-house on Point aux Barques, Sagana bay, Lake Huron, five thousand dollars.	Point aux Barques.
<i>Territory of Wisconsin.</i> —For the construction of a light-house on Grassy island, at the head of Green bay, near the mouth of Fox river, four thousand dollars.	Territory of Wisconsin. Grassy island.
<i>Territory of Florida.</i> —For placing buoys at the mouth of St. John's, in addition to the appropriation heretofore made for the pur- pose, eight hundred and fifty dollars.	Territory of Florida. St. John's



Cary's Fort reef.

Great Cumberland island.

Two sets of dioptric or lenticular apparatus and one set of the reflector apparatus to be imported, and their merits tested.

E. Blunt's apparatus, &c.

A. Morse's fog bell.

Measures to be taken by the President in order that Congress may be furnished with more exact information in regard to light-houses, &c.

1852, ch. 112, § 12.

Sec. Treas. to instruct officers to examine and determine whether it be expedient to construct the following works.

Maine.  
Western point.  
Heron's neck.

Saddle-back ledge.

Little river harbor.

Sail rock.

For erecting a light-house on Cary's Fort reef, forty thousand dollars in addition to the appropriation already made for that purpose.

And so much of the appropriation heretofore made and unexpended for a light-house on Amelia island, be, and hereby is, appropriated, for the removal of the light-house situated on the southern end of Great Cumberland island to the said site on Amelia island.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, directed to cause two sets of dioptric or lenticular apparatus, one of the first, the other of the second class, and also one set, if he deems it expedient, of the reflector apparatus, all of the most improved kinds, to be imported, and to cause the said several sets to be set up, and their merits, as compared with the apparatus in use, to be tested by full and satisfactory experiments; and the sum of fifteen thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby appropriated for that purpose; and the Secretary of the Treasury is also further authorized to ascertain, by suitable and proper experiments, the merits of the apparatus lately invented by Mr. E. Blunt, of New York; and if, in his judgment, it has merits which justify the adoption of it, he is hereby authorized to contract with Mr. Blunt, to light any light-house on the coast with it; and the sum of one thousand dollars is hereby appropriated for the above purposes. And the Secretary of the Treasury is hereby further authorized to ascertain the merits of the patent fog-bell of Andrew Morse junior, and if he deems it expedient to establish one on the coast, the sum of twenty-five hundred dollars is hereby appropriated for that purpose, out of any money not otherwise appropriated.

SEC. 3. *And be it further enacted*, That in order that Congress may be furnished with more exact information in regard to light-houses, the light-house system, the President is hereby authorized to divide the Lake and Atlantic coasts into such districts as he may deem expedient; and he shall appoint a naval officer or officers, if the public service will allow of it, to survey and examine each district, with reference to all the objects aforesaid; and it shall be their further duty to inspect all the light-houses, light-boats, buoys, beacons, &c. and to report upon their present condition and usefulness; also to inquire and report whether the present public emergencies require any, and if any, what, further additional works and improvements of the above description, and of what kind; and, also, further, to report whether, in their judgment, the public interest requires any modification of the system of erecting, superintending, and managing the light-houses, light-boats, &c.; and if so, in what particulars; and each board shall report separately on all these matters; which reports shall be laid before Congress.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, directed to instruct such officers to examine and determine whether it be expedient to construct light-houses, or beacon-lights, and other works hereinafter described, at the following places, viz:

*In the State of Maine.*—A light-house on the Western point, so called, at the entrance of York harbor.

A light-house at Heron's neck, on Green's island, in the town of Vinalhaven.

A sea-wall to protect a light-house heretofore authorized to be erected, on Saddle-back ledge, in Penobscot bay, and the expediency of erecting said light-house provided such wall be necessary to its security.

A light-house on the island at the entrance of Little-river harbor, in the town of Cutler.

A light-house on "Sail rock" off West Quoddy head, and the removal to said site of the fog-bell now located on West Quoddy head.

A monument on Fiddler's ledge, near the mouth of Penobscot bay.

A light on the Southern island at the mouth of Tennant's harbor, at St. George.

Buoys at the following places, to wit: On Jackknife ledge; on White's ledge; off Lee's island; all near the mouth of Kennebec river.

*In the State of Massachusetts.*—A bridge to connect Plum island with the mainland near Newburyport.

A light-house or beacon on or near a point called the Point of Rocks, at the mouth of Wesport harbor.

A light-boat between Succonesett point and a shoal called the Horse-shoe, in the northern channel of Vineyard sound.

*In the State of Connecticut.*—For a light-boat of increased size on Bartlett's reef, and a light-boat in lieu of the one stationed at said island.

*In the State of New York.*—A light-house on Teller's point, in the Hudson river. A light-house on the pier at the mouth of Genesee river. A light-house on Bartlett's point, at the mouth of the bay formed by the entrance of French creek into the river St. Lawrence. A light-house on the west end of Fisher's island, at a place called Race point. A light-house on the Hudson river, at a point about one mile south of the village of Athens. A light-house on the northwest point of Gardiner's island, Suffolk county.

A light-house or light-boat on Execution rock, Long Island sound.

*In the State of Ohio.*—A beacon-light on a point near Delaware flats, so called, in the Maumee bay.

A beacon-light on the lower end of Big island, near the foot of the rapids of the Maumee river.

*In the State of North Carolina.*—A light-boat with one or more lights, on the shoals below, or in the vicinity of, Tar river.

A light-boat of increased size at Brant island, in lieu of the one now stationed at said island.

A light-boat to be stationed off Bluff point in Albemarle sound.

*In the State of South Carolina.*—A light-boat on Port Royal bar; two buoys in Port Royal sound; a light-house on the south point of Otter island, in St. Helena sound; a beacon-light on Marsh island, at the head of said sound; and such beacons and buoys as may be necessary in the North and South Edisto sounds. For erecting buoys on St. Helena bar, one thousand dollars.

*In the State of Alabama.*—A light-house on Cedar point, and buoys between Cedar point and Lake Borgne.

*In the State of Kentucky.*—A light-house at the port of Louisville.

*In the State of Illinois.*—A light-house at the mouth of Little Calumet river.

*In the State of Michigan.*—A beacon-light on a point near the town of Mackinac.

A light-house at the mouth of the river Maskegon, Lake Michigan.

A light-house at the mouth of St. Mary's river, on Lake Huron.

A light-house at Stony Point, on Lake Erie.

A light-house at the mouth of Clinton river, on Lake St. Clair.

A light-house at the mouth of North Black river, Lake Michigan.

A light-house at the mouth of South Black river, Lake Michigan.

*In the Territory of Wisconsin.*—A light-house at the mouth of Sauk river, in Lake Michigan.

A light-house at Southport, on Lake Michigan.

A light-house at the mouth of Kewaumee river, on Lake Michigan.

*In the Territory of Florida.*—Two light-houses on the two Totugas islands, as substitutes for the present light-house on Bush key.

A light-house at Cape St. Blas, near the entrance to the Saint Joseph bay.

A light-house on Egmont key, Tampa bay.

SEC. 5. And be it further enacted, That in all cases where appro-

Fiddler's ledge.  
Southern isl- and.  
Jackknife ledge,  
White's ledge,  
Lee's island.  
Massachusetts Plum island.  
Point of Rocks.  
Vineyard Sound.  
Connecticut.  
Bartlett's reef  
New York.  
Teller's point.  
Genesee river.  
Bartlett's point.  
Race point.  
Hudson river.  
Gardiner's isl- and.  
Execution rock.  
Ohio.  
Delaware flats.  
Big island.  
N. Carolina.  
Tar river.  
Brant island.  
Bluff point.  
S. Carolina.  
Port Royal bar.  
Port Royal sound.  
Otter island.  
Marsh island, &c.  
Alabama.  
Cedar point.  
Kentucky.  
Illinois.  
Michigan.  
Clinton river.  
Wisconsin.  
Florida.  
Tortugas isl.  
Cape St. Blas.  
Egmont Key.

All places for which appropriations are made, &c. shall be examined, &c.

Sec. Treas. to pay the expense of surveys, &c.

Light-houses to be discontinued, &c.

Appropriation for two additional clerks.

Appropriation for examination of the coast between the Mississippi and Sabine rivers.

#### STATUTE II.

July 7, 1838.

New judicial district.

Judge, &c. to be appointed. Jurisdiction, powers, &c.

Time of holding courts. Process already issued.

proprations are made in this act for the erection of new light-houses, or new light-boats to be established at places not before authorized by law, all such places shall first be carefully examined, and the most suitable site selected; and the persons making the surveys for proposed works in the last preceding section of this act, shall report to the Secretary of the Treasury upon which of said sites, if any, the safety of navigation and the public interests require the work proposed for it, and also, a plan and estimate in detail of the expense of each work so required, including the necessary buildings to be connected therewith. And it shall be the duty of said Secretary to communicate the reports thus made to Congress within the first week of the session thereof in December next. And the expense of said surveys is hereby authorized to be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated, the same having been first adjusted and allowed by the Secretary of the Treasury.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, authorized to discontinue at his discretion, the old light-houses at Oswego, Dunkirk and Cleveland, and cause the sites belonging to the United States of the old light-houses at Cleveland, on Lake Erie, and at Buffalo, in the State of New York, to be sold for such prices, respectively, as he shall deem the same to be worth, and the proceeds of such sales to be paid into the Treasury.

SEC. 7. *And be it further enacted*, That the sum of two thousand dollars be, and hereby is, appropriated to enable the Secretary of the Treasury to employ two additional clerks in the Fifth Auditor's office.

SEC. 8. *And be it further enacted*, That the sum of fifteen hundred dollars be and is hereby appropriated, to enable the Secretary of the Navy to cause such a special examination of the coast between the mouths of the Mississippi and Sabine rivers, and the intermediate harbors, bays, and bayous as may be necessary to fix suitable locations for light-houses and other improvements, which may give a more safe and ready access to the said harbors, bays, bayous, and rivers.

APPROVED, July 7, 1838.

CHAP. CLXXXI.—*An Act to establish a new judicial district in the Territory of Florida.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the territory included within the present boundaries of the counties of Franklin, Washington, and Jackson, in the Territory of Florida, shall constitute a new judicial district, to be called the Appalachicola district, the judge of which shall reside at the town of Appalachicola, or at the town of St. Joseph's, in said district.

SEC. 2. *And be it further enacted*, That a judge, marshal, and district attorney shall be appointed in said district, having the same jurisdiction, powers, duties, and liabilities, in all respects, as are now possessed by the judges of the superior courts, respectively, in the Territory of Florida, and the said marshal is hereby required to give the same bonds that other marshals are required to give under the laws of the United States and the Territory of Florida, to be approved of and recorded as now directed by law.

SEC. 3. *And be it further enacted*, That the said courts shall be holden at the times and places now established by law in said district, until changed by the Legislative Council of said Territory; and all process, executed by and returnable to said courts as a part of the district of West Florida, as heretofore organized, shall be as effectual in law as if the said district had not been changed; and it shall be the duty of

(a) See notes of the acts relating to Florida, vol. 3, 654.

the present marshal of the district of West Florida, to execute all process now in his hands, and he shall be responsible in like manner as if this act had not passed.

SEC. 4. *And be it further enacted*, That the judge, marshal, and district attorney shall have the same salaries, fees, and compensation as are allowed and paid to the other judges, marshals and district attorneys in said Territory under the laws of the United States, or the Territory of Florida, out of any money in the Treasury not otherwise appropriated.

Salary, &c. of the judge, &c.

APPROVED, July 7, 1838.

CHAP. CLXXXII.—*An Act to increase and regulate the terms of the circuit and district courts for the northern district of the State of New York. (a)*

STATUTE II.

July 7, 1838.

1846, ch. 98.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be four regular terms of the district court of the United States for the northern district of the State of New York in each year; one of which, to commence on the third Tuesday in January, shall be held in the city of Albany; and one to commence on the second Tuesday in July, shall be held at the city of Utica; and one to commence on the third Tuesday of May, shall be held at the city of Rochester; and one to commence on the second Tuesday of October, shall be held at the city of Buffalo. And there shall also be held one other term annually, at such time and in such place within the counties of St. Lawrence, Clinton, or Franklin, as the judge of said district shall from time to time appoint, by a notice of at least forty days, to be published in the State paper of the State of New York, which latter term shall be held only for the trial of issues of fact arising within the said three last mentioned counties; but nothing herein contained shall prevent the judge of said court from holding special terms thereof at the places above specified, or at any other places in said district, in addition to said regular terms, when he shall deem it necessary.

Four regular terms of the district court in each year.

At Albany.

At Utica.  
At Rochester.  
At Buffalo.  
One other term.

SEC. 2. *And be it further enacted*, That the term of the circuit court for the said northern district, now required by law to be held annually at Albany on the second Tuesday of June, be hereafter held at Canandaigua, in the county of Ontario, on the Tuesday next after the third Monday of June in each year.

The circuit court to be held at Canandaigua.

SEC. 3. *And be it further enacted*, That, for the purpose of trying all issues of fact, triable by a jury in the district court of the United States for the northern district of New York, the said district shall be subdivided into three divisions, as follows, to wit: all that part of said district lying westward of the west lines of the counties of Cayuga, Tompkins, and Tioga, shall constitute the western division; the counties of St. Lawrence, Franklin, and Clinton, shall constitute the northern division; and all the remainder of the district shall constitute the eastern division. And all such issues of fact shall be tried at a term of said court to be held in the division where the cause of action may have arisen, unless the said court, for good cause shown, shall order such issue to be tried elsewhere. And all issues of fact in the said circuit court to be tried by a jury, where the cause of action may have arisen in the northern or eastern division aforesaid, shall be tried at the term of said circuit court to be held at Albany, and all other issues of fact in said circuit court to be tried by a jury, where the cause of action may have arisen in the western division of said district, shall be tried at the term of said circuit court to be held at Canandaigua. But nothing herein contained shall prevent either of said courts, by general

The district to be subdivided into three divisions.

The western division.  
Northern division.  
Eastern division.

Where the issues of fact shall be tried.

(a) See vol. 3, 120, 414.

Venue of transitory actions.

All issues now pending, where they shall be tried, &c.

rule, from regulating the venue of transitory actions, and from changing the same for a good cause to be shown.

SEC. 4. *And be it further enacted*, That all issues now pending in either of said courts shall be tried at the places above prescribed for holding such court, unless otherwise ordered by said court, in pursuance of the authority given in the last section; and no process issued or proceedings pending in either of said courts shall be avoided or impaired by this change of the time and place of holding such court; but all process, bail bonds, and recognizances, returnable at the next term of either of said courts, shall be returnable and returned to the said court next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CLXXXIII.—*An Act ceding to the State of Ohio the interest of the United States in a certain road within that State.*

Title of the U. S. in a certain road granted to the State of Ohio.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all right or title of the United States, acquired by the treaty of Brownstown, in a certain road from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Western reserve be, and the same is hereby, granted to the State of Ohio.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CLXXXIV.—*An Act to authorize the sale of certain bonds belonging to the United States.*

[Obsolete.]

Sec. Treas. authorized to sell the two bonds held by the U. S. against "the president, directors, and company of the Bank of the U. S.," chartered by Pennsylvania, &c.

*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 to sell upon the best terms he can command for money in hand in the markets of this or of any foreign country, as upon inquiry he shall find most for the interest of the United States, the two bonds held by the United States against "the president, directors, and company of the Bank of the United States," chartered by the State of Pennsylvania, which will fall due in the month of September, in the year one thousand eight hundred and thirty-nine, and one thousand eight hundred and forty, being the two last of four several bonds, dated on the tenth day of May, one thousand eight hundred and thirty-seven, given to secure the payment of the sum of one million nine hundred and eighty-six thousand, five hundred and eighty-nine dollars and four cents each, with interest upon each bond, at the rate of six per centum per annum, from the third day of March, one thousand eight hundred and thirty-six until paid, the said four bonds having been received by the United States as security for the final payment of the stock held by the United States, in the late Bank of the United States, chartered by Congress, and to execute under his hand and the seal of his office, to the purchaser or purchasers of the said bonds, suitable and proper assignments to transfer to the said purchaser or purchasers, his, her, or their representatives, or assigns, all the right, title and interest of the United States, of, in, and to the money due and to become due upon the bonds sold and assigned in pursuance of this act: *Provided*, That no sale of either of the said bonds shall be made upon terms less favorable to the United States than the par value of the bond sold, at the time of sale, calculated according the rules for estimating the par value of securities upon which interest has run for a time, but which securities have not reached maturity.

To execute assignments.

Proviso.

SEC. 2. *And be it further enacted*, That all money received upon the

sale of the said bonds, shall be immediately paid into the Treasury of the United States, or placed to the credit of the Treasurer thereof in some proper depository, in the same manner that other moneys, received for dues to the Government, are by law directed to be paid into the Treasury.

Disposal of money received therefrom.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CLXXXV.—*An Act to prevent the issuing and circulation of the bills, notes and other securities of corporations created by acts of Congress which have expired*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where the charter of any corporation which has been or may be created by act of Congress of the United States shall have expired or may hereafter expire, if any director, officer or agent of the said corporation or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession or under his control the property of the said corporation for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, re-issue, or utter as money or in any other way knowingly put in circulation, any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired or by any officer thereof, or purporting to have been made, under authority derived therefrom, or if any person or persons shall knowingly aid and assist in any such act; every person so offending, shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment and confinement not less than one year nor exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be construed to make it unlawful for any person not being such director, officer or agent of the said corporation, or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose aforesaid who shall have received or may hereafter receive such bill, note, check, draft or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

Any director, &c. who shall put in circulation any bill, &c. purporting to have been made by any corporation whose charter shall have expired, shall be deemed guilty of a high misdemeanor.

Penalty.

Proviso.

SEC. 2. *And be it further enacted*, That in all cases in which any corporation has been or may be created by acts of Congress of the United States, and in which the United States shall have been interested as a stockholder the term of which corporation has expired, and in which any bills, notes, checks, drafts or other securities, made under authority derived, or alleged to have been derived from such act, shall be in the possession or under the control of any director, officer or agent of the said expired corporation, or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession or under his control, the property of the said corporation, for the purpose of paying or redeeming its notes and obligations, the several circuit courts of the United States shall have jurisdiction on the bill or petition of the United States to grant injunctions to prevent the issuing, reissuing, or transfer of any such bills, notes, checks, drafts, or other securities; and also to cause such of the said bills, notes, checks, drafts, or other securities, as have been redeemed, to be delivered up and cancelled; and the said several courts shall have power to make all necessary decrees and orders for the purpose of carrying into effect the jurisdiction hereby conferred, and to execute the same by due process of law.

All corporations created by act of Congress, or in which the U. S. was a stockholder, whose charters have expired, and which have any bills or notes in their possession, may be prevented from issuing or re-issuing said bills, &c.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXXVI.—*An Act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year one thousand eight hundred and thirty-eight.*

## Appropriations.

*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, for the year one thousand eight hundred and thirty-eight, for the purpose of paying the current expenses of the Indian department, fulfilling treaty stipulations with the various Indian tribes, and contingent expenses, to be paid out of any money in the Treasury not otherwise appropriated :

For the current and contingent expenses of the Indian department, viz :

Sup't. of Indian affairs at St. Louis, and Indian agents.

For the pay of the superintendent of Indian affairs at St. Louis, and the several Indian agents, as provided by the acts of June thirtieth, eighteen hundred and thirty-four, and of March third, eighteen hundred and thirty-seven, sixteen thousand five hundred dollars ;

Pay of sub-agents.

For pay of sub-agents, authorized by the act of June thirtieth, eighteen hundred and thirty-four, thirteen thousand dollars ;

Pay of interpreters.

For the pay of interpreters, as authorized by the same act, nine thousand three hundred dollars ;

Presents to Indians.

For presents to Indians, authorized by the same act, five thousand dollars ;

Provisions for Indians.

For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars ;

Buildings at the agencies.

For the necessary buildings required at the several agencies, and repairs thereof, ten thousand dollars ;

Cont. exp. of Indian dep't.

Clerk in office of Governor of Wisconsin.

For postages, rents, stationery, fuel for officers, and other contingencies of the Indian department, and for transportation and incidental expenses, thirty-six thousand five hundred dollars ;

Clerk in office Sup't Western Territory.

For the salary of one clerk in the office of the Governor of Wisconsin Territory, who is ex-officio superintendent of Indian affairs, eight hundred dollars ;

Carrying into effect treaty stipulations, &c.

Six Nations of New York.

For the salary of one clerk in the office of the acting superintendent of the Western Territory, one thousand dollars ;

Senecas of New York.

For carrying into effect the stipulations of certain Indian treaties and the laws connected therewith, viz :

Ottawas.

For the Six Nations of New York, four thousand five hundred dollars ;

Wyandots.

For the Senecas of New York, six thousand dollars ;

Munsees, and Delawares.

For the Ottawas, twenty-six thousand eight hundred dollars ;

Christian Indians.

For the Wyandots, six thousand eight hundred and forty dollars ;

Miamies.

For the Wyandots, Munsees, and Delawares, one thousand dollars ;

Eel Rivers.

For the Christian Indians, four hundred dollars ;

Pottawatamies.

For the Miamies, one hundred and fifty-four thousand one hundred and ten dollars ;

Pottawatamies of Huron.

For the Eel Rivers, one thousand one hundred dollars ;

Pottawatamies of the Prairie.

For the Pottawatamies, eighty-eight thousand one hundred and twenty dollars ;

Pottawatamies of the Wabash.

For the Pottawatamies of Huron, four hundred dollars ;

Pottawatamies of Indiana.

For the Pottawatamies of the Prairie, sixteen thousand dollars ;

Chippewas.

For the Pottawatamies of the Wabash, twenty thousand dollars ;

Ottawas, and Pottawatamies.

For the Pottawatamies of Indiana, seventeen thousand dollars ;

For the Chippewas, Ottawas and Pottawatamies, forty-two thousand four hundred and ninety dollars ;

For the Winnebagoes, thirty-seven thousand eight hundred and sixty dollars ;	Winnebagoes.
For the Menomonies, thirty-two thousand six hundred and fifty dollars ;	Menomonies.
For the Chippewas of Swan creek and Black river, one thousand dollars ;	Chippewas of Swan creek and Black river.
For the Chippewas of Saginaw, six thousand five hundred dollars ;	Chippewas of Saginaw.
For the Chippewas, Menomonies, Winnebagoes and New York Indians, fifteen hundred dollars ;	Chippewas, Menomonies, &c.
For the Sioux of the Mississippi, seven thousand seven hundred and sixty dollars ;	Sioux of the Mississippi.
For the Yancton and Santie Sioux, four thousand three hundred and forty dollars ;	Yancton and Santie Sioux.
For the Omahas, three thousand nine hundred and forty dollars ;	Omahas.
For the Sacs and Foxes of the Missouri, four thousand seven hundred dollars ;	Sacs and Foxes of the Missouri.
For the Iowas, eight thousand nine hundred and fifty dollars ;	Iowas.
For the Sacs and Foxes of the Mississippi, forty-one thousand nine hundred and twenty dollars ;	Sacs and Foxes of the Mississippi.
For the Sacs, Foxes, Sioux, Iowas, Omahas and Ottoes and Missourias, three thousand dollars ;	Sacs, Foxes, Sioux, Iowas, &c.
For the Ottoes and Missourias, five thousand six hundred and forty dollars ;	Ottoes and Missourias.
For the Kansas, six thousand and forty dollars ;	Kansas.
For the Osages, seventeen thousand and forty dollars ;	Osages.
For the Kickapoos, five thousand five hundred dollars ;	Kickapoos.
For the Kaskaskias and Peorias, three thousand dollars ;	Kaskaskias and Peorias.
For the Piankeshaws, eight hundred dollars ;	Piankeshaws.
For the Weas, three thousand dollars ;	Weas.
For the Delawares, eight thousand one hundred and forty dollars ;	Delawares.
For the Shawnees, seven thousand one hundred and eighty dollars ;	Shawnees.
For the Senecas and Shawnees, two thousand two hundred and forty dollars ;	Senecas and Shawnees.
For the Senecas, two thousand six hundred and sixty dollars ;	Senecas.
For the Choctaws, seventy-two thousand six hundred and twenty-five dollars ;	Choctaws.
For the Chickasaws, six thousand dollars ;	Chickasaws.
For the Creeks, four hundred and thirteen thousand nine hundred and forty dollars ;	Creeks.
For the Quapaws, four thousand six hundred and sixty dollars ;	Quapaws.
For the Florida Indians, two hundred and eighty thousand six hundred and ten dollars ;	Florida Indians.
For the Pawnees, twelve thousand dollars ;	Pawnees.
For the Cherokees, fifteen thousand one hundred and forty dollars ;	Cherokees.
For the Ottawas and Chippewas, sixty-five thousand four hundred and sixty-five dollars ;	Ottawas and Chippewas.
For the Caddoes, ten thousand dollars ;	Caddoes.
For various miscellaneous expenses, viz. :	Miscellaneous.
For completing payments for subscription to "Indian Biography," three thousand dollars ;	Indian Biography.
For expenses of casting dies and striking off medals for Indians, two thousand five hundred dollars ;	Casting dies, &c.
For expenses of mission of A. P. Chouteau among the wild tribes of the Southwest, including his outfit, and the expenditures growing out of and connected with bringing on deputations of said tribes, which he has been authorized to do, twenty thousand dollars ;	Mission to the tribes of the Southwest, &c.
For deficiency in the appropriation of eighteen hundred and thirty-four for running the boundary line between the Choctaws and Chickasaws, one thousand and eighty-five dollars ;	Boundary line between the Choctaws and Chickasaws.



Provisions to the Seneca, Seneca and Shawnee, and Osage Indians.

Visit of delegations of Ioways, &c.

Visit of delegations of Pawnees, Ottoes, &c.

Visit of delegations of Choctaws, Creeks, and Osages.

Buildings and improvements on lands ceded by the Miamies.

Treaties with the Chippewas of Saginaw.

Treaty with the Chippewas of the Mississippi.

Treaty with the Sioux of the Mississippi.

Treaty with the Sacs and Foxes of the Mississippi.

Treaty with the Sacs and Foxes of the Missouri.

Treaty with the Yancion and Santie Sioux.

Treaty with the Winnebagoes.

Treaty with the Iowas.

Treaty with the Oneidas at Green Bay.

Appropriation to the Osages.

For cost of sundry articles of provisions furnished to the Seneca, Seneca and Shawnee, and Osage Indians, while in a destitute condition, in eighteen hundred and thirty-four, by the commissioners west, &c., as per statement rendered and on file in the office of the Second Auditor, to reimburse the appropriation for Indian annuities out of which the same was paid, one thousand seven hundred and fifty dollars;

For expenses of delegations of Ioways, Yancion Sioux, and Sacs and Foxes of Missouri, who visited this and the Northern cities in eighteen hundred and thirty-seven, by invitation, including the usual presents and contingent expenditures, nine thousand dollars;

For expenses of delegations of Pawnees, Ottoes and Missourias, and Omahas, who visited this and the Northern cities in eighteen hundred and thirty-seven, by invitation, including the usual presents and contingent expenditures, twelve thousand five hundred dollars;

For expenses of delegations of not exceeding three Choctaws, three Creeks, and five Osages, who have obtained permission to visit this city, including the usual presents and contingent expenditures, five thousand dollars;

For the value of the buildings and improvements of the Miamies on the lands ceded by them in the treaty of twenty-third October, eighteen hundred and thirty-four, per sixth article, as ratified by the Senate, five thousand six hundred and seven dollars;

For carrying into effect the treaties with the Chippewas of Saganaw, of the fourteenth January, and twentieth December, eighteen hundred and thirty-seven, and twenty-third January, eighteen hundred and thirty-eight, eighty-one thousand dollars;

For carrying into effect the treaty with the Chippewas of the Mississippi of the twenty-ninth July, eighteen hundred and thirty-seven, two hundred and eight thousand five hundred dollars;

For carrying into effect the Treaty with the Sioux of the Mississippi of the twenty-ninth September, eighteen hundred and thirty-seven, as ratified by the Senate, two hundred and fifty-eight thousand two hundred and fifty dollars;

For carrying into effect the treaty with the Sacs and Foxes of the Mississippi of the twenty-first October, eighteen hundred and thirty-seven, as ratified by the Senate, one hundred and eighty-four thousand three hundred and fifty dollars;

For carrying into effect the treaty with the Sacs and Foxes of the Missouri of the twenty-first October, eighteen hundred and thirty-seven, twelve thousand nine hundred and seventy dollars;

For carrying into effect the treaty with the Yancion and Santie Sioux of the twenty-first October, eighteen hundred and thirty-seven, seven thousand dollars;

For carrying into effect the treaty with the Winnebagoes of the first November, eighteen hundred and thirty-seven, four hundred and forty-five thousand five hundred dollars;

For carrying into effect the treaty with the Iowas of the twenty-third November, eighteen hundred and thirty-seven, five thousand dollars;

For carrying into effect the treaty with the Oneidas at Green Bay of the third February, eighteen hundred and thirty-eight, thirty-seven thousand and forty-seven dollars;

To the Osages for interest at five per cent. on sixty-nine thousand one hundred and twenty dollars, being the value of the fifty-four sections of land set apart by the treaty of eighteen hundred and twenty-five, for education purposes, and for which they have agreed to accept two dollars per acre, as authorized by the Senate, in its resolution of the nineteenth January last, which resolution also provides for the investment of the amount, three thousand four hundred and fifty-six dollars;

To the Delawares for interest at five per cent. on forty-six thousand and eighty dollars, being the value of thirty-six sections of land set apart by the treaty of eighteen hundred and thirty-two, for education purposes, and for which they have agreed to accept two dollars per acre, as authorized by the Senate, in its resolution of the nineteenth January last, which resolution also provides for the investment of the amount. two thousand three hundred and four dollars;

Appropriation to the Delawares.

For holding a treaty with the Creeks for the purpose of adjusting their claims for property and improvements abandoned or lost in consequence of their emigration West of the Mississippi, two thousand dollars;

Treaty with the Creeks.

For payment of the amount of depredations committed by the Osage and Camanche Indians on the property of the Choctaw Indians, eight hundred and twenty-five dollars;

Depredations by the Osage and Camanche Indians.

For expenses of holding a treaty with the Wyandot Indians of the State of Ohio, one thousand five hundred dollars;

Treaty with the Wyandots of Ohio.

For payment of the expense of a delegation from the Seneca Indians who visited Washington, to protest against the ratification of a late treaty entered into with them by a commissioner acting under the authority of the United States, seven hundred eighty-nine dollars and twenty-three cents;

Visit of a delegation from the Seneca Indians.

For the expenses of the delegation of the Senecas, who visited Washington to urge the ratification of the late treaty with them and the other New York Indians, and the expenses of negotiating that Treaty with the Senecas and the other bands of New York Indians, including all the expenses incident thereto, nine thousand five hundred dollars.

Visit of a delegation of the Senecas.

For the expenses of submitting again to those Indians the Treaty as amended and ratified by the Senate for the purpose of obtaining their assent to the amended Treaty, four thousand dollars.

Resubmitting to those Indians the treaty as amended.

For holding a treaty with the Osages for the extinguishment of their title to reservations in lands within other tribes and for other purposes, two thousand dollars.

Treaty with the Osages.

For defraying the expenses of fourteen Sac and Fox Indians, who were induced to visit Washington by the false representations of their conductor, two hundred and twenty-one dollars and fifty cents.

Visit of Sac and Fox Indians to Washington.

For the purposes of defraying expenses of negotiations with the Miami Indians, eight hundred and sixty dollars, to be paid to the following persons in the following proportions, to wit:

Negotiations with the Miamies.

To William Marshall for forty-two days' service as Commissioner, three hundred and thirty-six dollars.

W. Marshall for service.

To Henry L. Ellsworth for fifty-four days' service as Commissioner, four hundred and thirty dollars, and to Allen Hamilton for seventeen days' services as Secretary, one hundred and two dollars.

H.L. Ellsworth for service.

A. Hamilton for service.

To defray the expenses of an exploring party of Miamies Indians, the sum of nineteen hundred and ninety dollars.

Exploring party of Miamies.

For affording temporary subsistence to such Indians west of the Mississippi, who, by reason of their recent emigration or the territorial arrangements incident to the policy of setting apart a portion of the public domain west of the Mississippi, for the residence of all the tribes residing east of that river, as are unable to subsist themselves, and for the expenses attending the distribution of the same, one hundred and fifty thousand dollars, to be expended under the direction of the Secretary of War.

Temporary subsistence to certain Indians west of the Mississippi.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

CHAP. CLXXXVII.—*An Act to repeal, in part, the act entitled "An act to provide for the safe keeping of the acts, records, and seal of the United States, and for other purposes."*

So much of act Sept. 15, 1789, ch. 14, as requires the Sec. of State to have the laws recorded, repealed.

*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 to provide for the safe keeping of the acts, records, and seal of the United States, and for other purposes," approved fifteenth of September, one thousand seven hundred and eighty-nine, as directs the Secretary of State to cause to be recorded, in his office, the acts and resolutions of Congress, be, and the same is hereby, repealed.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

CHAP. CLXXXVIII.—*An Act to encourage the introduction and promote the cultivation of tropical plants in the United States.*

## Preamble.

Whereas in obedience to the Treasury circular of the sixth of September, eighteen hundred and twenty-seven, Doctor Henry Perrine, late American Consul at Campeachy, has distinguished himself by his persevering exertions to introduce tropical plants into the United States: and whereas he has demonstrated the existence of a tropical climate in southern Florida, and has shown the consequent certainty of the immediate domestication of tropical plants in tropical Florida, and the great probability of their gradual acclimation throughout all our southern and southwestern States, especially of such profitable plants as propagate themselves on the poorest soils; and whereas, if the enterprise should be successful, it will render valuable our hitherto worthless soils, by covering them with a dense population of small cultivators and family manufacturers, and will thus promote the peace, prosperity, and permanency of the Union: Therefore,

## Grant of land to H. Perrine.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a township of land is hereby granted to Doctor Henry Perrine and his associates, in the southern extremity of the peninsula of East Florida, to be located in one body of six miles square, upon any portion of the public lands below twenty-six degrees north latitude.

## When to be located, &amp;c.

SEC. 2. *And be it further enacted,* That the said tract of land shall be located within two years from this date, by said Henry Perrine, and shall be surveyed under his direction, by the surveyor of Florida, *Provided,* That it shall not embrace any land having sufficient quantities of naval timber to be reserved to the United States, nor any sites for maritime ports or cities.

## Proviso.

## When a patent shall issue.

SEC. 3. *And be it further enacted,* That whenever any section of land in said tract, shall be really occupied by a bona fide settler, actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

## How and when it shall be forfeited to the U. S.

SEC. 4. *And be it further enacted,* That every section of land in the tract aforesaid, which shall not be occupied by an actual settler, positively engaged in the propagation or cultivation of useful tropical plants within eight years from the location of said tract, or when the adjacent territory shall be surveyed and offered for sale, shall be forfeited to the United States.

APPROVED, July 7, 1838.

CHAP. CLXXXIX.—*An Act granting half pay and pensions to certain widows.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any person who served in the war of the Revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," have died, leaving a widow, whose marriage took place after the expiration of the last period of his service, and before the first day of January, seventeen hundred and ninety-four, such widow shall be entitled to receive, for and during the term of five years from the fourth day of March, eighteen hundred and thirty-six, the annuity or pension which might have been allowed to her husband in virtue of said act, if living at the time it was passed; *Provided,* That in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. *And be it further enacted,* That no pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any annuity, half pay, or pension, granted by this act, shall be valid, nor shall the half pay, annuity, or pension, granted by this act, or any former act of Congress, be liable to attachment, levy, or seizure, by any process in law, or equity, but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same; and that before a warrant shall be delivered to any person acting for or in behalf of any one entitled to money under this act, such person shall take and subscribe an oath or affirmation, to be administered by the proper accounting officer, and put on file, that he has no interest in said money, by any pledge, mortgage, transfer, agreement, understanding, or arrangement, and that he does not know or believe that the same has been so disposed of to any other person.

SEC. 3. *And be it further enacted,* That the Secretary of War shall adopt such regulations and forms of evidence, in relation to applications and payments under this act as the President of the United States may prescribe.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

Post, p. 584.  
Five years' pension granted to certain widows of officers and soldiers, &c.  
Act of June 7, 1832, ch. 126.

Proviso.  
1842, ch. 191.

No pledge, mortgage, &c. of the half pay or pension to be valid.  
Not liable to be seized or attached.

Oath to be taken by an attorney before the delivery of the warrant.

Regulations.

STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CXC.—*An Act making appropriations for certain roads in the Territory of Wisconsin.*

*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 for the construction of roads in the Territory of Wisconsin, to wit: For the construction of a road from Fort Howard at Green Bay, by Milwaukee and Racine, to the Northern boundary line of the State of Illinois, in the direction of Chicago in that State, to be expended in the Territory of Wisconsin, fifteen thousand dollars. For the construction of a road from the town of Milwaukee on Lake Michigan, by way of Madison, the permanent seat of Government of the said Territory, to a point opposite the town of Dubuque on the Mississippi river, ten thousand dollars. For the construction of the necessary bridges and removing obstructions in the mail road from the northern line of Missouri, through the original counties of Des Moines and Dubuque, to some suitable point on the Mississippi river between Prairie du Chien and Dubuque, ten thousand dollars. For the completion of the military road from Fort Crawford, by Winnebago, to Fort Howard at Green Bay, five thousand dollars. The said roads shall be constructed under the direction of the Secretary of War, pursuant to contracts to be made by him:

From Fort Howard to the northern boundary line of Illinois.

From Milwaukee to the Mississippi.

From the northern line of Missouri to the Mississippi.

Fort Crawford to Ft. Howard. To be constructed under direction, &c.

## Proviso.

Survey for improvement of navigation of Rock river.

Survey of Des Moines and Iowa rivers.

A railroad from Milwaukee to Dubuque.

*Provided always*, That nothing contained in this act shall be so construed as to imply that the United States are pledged or in any manner bound to make any appropriation in future, to make, or construct, said roads, or any part or portion of them. For the survey, with the view to the improvement of the navigation of Rock river, from the Illinois line, as far up the same as the contemplated point of intersection with the Milwaukee and Rock river canal, and also of the Haven of the said river, next below Lake Kushkenong to Madison, the seat of Government of the Territory of Wisconsin, a sum not exceeding one thousand dollars. For the survey of the Des Moines and Iowa rivers, with a view to the improvement of their navigation, a sum not exceeding one thousand dollars. For a survey and estimate of the cost of a railroad from Milwaukee to Dubuque, a sum not exceeding two thousand dollars.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

CHAP. CXCI.—*An Act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.* (a)

Owners of steamboats to make a new enrolment and take out a new license.

*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 all owners of steamboats, or vessels propelled in whole or in part by steam, on or before the first day of October, one thousand eight hundred and thirty-eight, to make a new enrolment of the same, under the existing laws of the United States, and take out from the collector or surveyor of the port, as the case may be, where such vessel is enrolled, a new license, under such conditions as are now imposed by law, and as shall be imposed by this act.

Shall not transport goods, &c. or passengers, without a new license.

SEC. 2. *And be it further enacted*, That it shall not be lawful for the owner, master, or captain of any steamboat or vessel propelled in whole or in part by steam, to transport any goods, wares, and merchandise, or passengers, in or upon the bays, lakes, rivers, or other navigable waters of the United States, from and after the said first day of October, one thousand eight hundred and thirty-eight; without having first obtained, from the proper officer, a license under the existing laws, and without having complied with the conditions imposed by this act; and for each and every violation of this section, the owner or owners of said vessel shall forfeit and pay to the United States the sum of five hundred dollars, one-half for the use of the informer; and for which sum or sums the steamboat or vessel so engaged shall be liable, and may be seized and proceeded against summarily, by way of libel, in any district court of the United States having jurisdiction of the offence.

Penalty for violation of this section.

How recoverable.

District judge to appoint persons to inspect the boilers and machinery.

SEC. 3. *And be it further enacted*, That it shall be the duty of the district judge of the United States, within whose district any ports of entry or delivery may be, on the navigable waters, bays, lakes, and rivers of the United States, upon the application of the master or owner of any steamboat or vessel propelled in whole or in part by steam, to appoint, from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery employed in the same, who shall not be interested in the manufacture of steam engines, steamboat boilers, or other machinery belonging to steam vessels, whose duty it shall be to make such inspection when called upon for that purpose, and to give to the owner or master of such boat or vessel duplicate certificates of such inspection;

(a) An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions; June 28, 1838, chap. 147.

An act to modify the act entitled, "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7, 1838; March 3, 1843, chap. 94. Additional act. 1852, ch. 106.

such persons, before entering upon the duties enjoined by this act, shall make and subscribe an oath or affirmation before said district judge, or other officer duly authorized to administer oaths, well, faithfully, and impartially to execute and perform the services herein required of them.

SEC. 4. *And be it further enacted*, That the person or persons who shall be called upon to inspect the hull of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running. And he or they shall also state whether, in his or their opinion, the said boat or vessel is sound, and in all respects seaworthy, and fit to be used for the transportation of freight or passengers; for which service, so performed upon each and every boat or vessel, the inspectors shall each be paid and allowed by said master or owner applying for such inspection, the sum of five dollars.

Inspectors of the hulls to give the owners or masters a certificate, stating the age of the boat, &c.

Also a certificate as to the soundness of the vessel. Fee for inspection.

SEC. 5. *And be it further enacted*, That the person or persons who shall be called upon to inspect the boilers and machinery of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, make a certificate, in which he or they shall state his or their opinion whether said boilers are sound and fit for use, together with the age of said boilers; and duplicates thereof shall be delivered to the owner or master of such vessel, one of which it shall be the duty of the said master and owner to deliver to the collector or surveyor of the port whenever he shall apply for a license, or for a renewal of a license; the other he shall cause to be posted up, and kept in some conspicuous part of said boat, for the information of the public; and for each and every inspection so made, each of the said inspectors shall be paid by the said master or owner applying, the sum of five dollars.

Inspectors of the boilers to make a certificate as to the soundness, &c. of said boilers.

Duplicates of said certificate to be given to the master or owner, &c.

Fee for inspection.

SEC. 6. *And be it further enacted*, That it shall be the duty of the owners and masters of steamboats to cause the inspection provided under the fourth section of this act to be made at least once in every twelve months; and the examination required by the fifth section, at least once in every six months; and deliver to the collector or surveyor of the port where his boat or vessel has been enrolled or licensed, the certificate of such inspection; and, on a failure thereof, he or they shall forfeit the license granted to such boat or vessel, and be subject to the same penalty as though he had run said boat or vessel without having obtained such license, to be recovered in like manner. And it shall be the duty of the owners and masters of the steamboats licensed in pursuance of the provisions of this act to employ on board of their respective boats a competent number of experienced and skilful engineers, and, in case of neglect to do so, the said owners and masters shall be held responsible for all damages to the property of any passenger on board of any boat occasioned by an explosion of the boiler or any derangement of the engine or machinery of any boat.

Hulls to be inspected, how often.

Boilers inspected, how often.

Penalty.

Competent number of experienced and skilful engineers to be employed.

Penalty for failing to do so.

SEC. 7. *And be it further enacted*, That whenever the master of any boat or vessel, or the person or persons charged with navigating said boat or vessel, which is propelled in whole or in part by steam, shall stop the motion or headway of said boat or vessel, or when said boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel or passengers, he or they shall open the safety-valve, so as to keep the steam down in said boiler as near as practicable to what it is when the said boat or vessel is under headway, under the penalty of two hundred dollars for each and every offence.

Safety-valve to be opened when the vessel stops for any purpose whatever.

Penalty.

SEC. 8. *And be it further enacted*, That it shall be the duty of the owner and master of every steam vessel engaged in the transportation of freight or passengers, at sea or on the Lakes, Champlain, Ontario, Erie, Huron, Superior, and Michigan, the tonnage of which vessel shall

Long-boats or yawls, when and where to be carried by steam-vessels.

not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons, it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than three long-boats or yawls, of the same or larger dimensions; and for every failure in these particulars, the said master and owner shall forfeit and pay three hundred dollars.

**Penalty.**

Vessels at sea or on the lakes aforesaid to carry suction-hose, fire engine, &c.

Iron rods or chains to be used instead of wheel or tiller ropes.

**Penalty.**

Signal lights to be carried by vessels running at night.

**Penalty.**

How all penalties shall be recovered.

Any person employed on board a boat in which life or lives are lost by inattention, &c. shall be guilty of manslaughter.

**Punishment.**

What shall be sufficient evidence to charge the defendant, in case of the bursting of a boiler, &c.

SEC. 9. *And be it further enacted*, That it shall be the duty of the master and owner of every steam vessel employed on either of the lakes mentioned in the last section, or on the sea, to provide, as a part of the necessary furniture, a suction-hose and fire engine and hose suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and that iron rods or chains shall be employed and used in the navigating of all steamboats, instead of wheel or tiller ropes; and for a failure to do which, they, and each of them, shall forfeit and pay the sum of three hundred dollars.

SEC. 10. *And be it further enacted*, That it shall be the duty of the master and owner of every steamboat, running between sunset and sunrise, to carry one or more signal lights, that may be seen by other boats navigating the same waters, under the penalty of two hundred dollars.

SEC. 11. *And be it further enacted*, That the penalties imposed by this act may be sued for and recovered in the name of the United States, in the district or circuit court of such district or circuit where the offence shall have been committed, or forfeiture incurred, or in which the owner or master of said vessel may reside, one-half to the use of the informer, and the other to the use of the United States; or the said penalty may be prosecuted for by indictment in either of the said courts.

SEC. 12. *And be it further enacted*, That every captain, engineer, pilot, or other person employed on board of any steamboat or vessel propelled in whole or in part by steam, by whose misconduct, negligence, or inattention to his or their respective duties, the life or lives of any person or persons on board said vessel may be destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court in the United States, shall be sentenced to confinement at hard labor for a period not more than ten years.

SEC. 13. *And be it further enacted*, That in all suits and actions against proprietors of steamboats, for injuries arising to person or property from the bursting of the boiler of any steamboat, or the collapse of a flue, or other injurious escape of steam, the fact of such bursting, collapse, or injurious escape of steam, shall be taken as full prima facie evidence, sufficient to charge the defendant or those in his employment, with negligence, until he shall show that no negligence has been committed by him or those in his employment.

APPROVED, July 7, 1838.

**STATUTE II.**

July 7, 1838.

CHAP. CXCH. — *An Act to establish a criminal court in the District of Columbia.* (a)

Court to be established in the District of Columbia for the trial of crimes.

To be composed of one judge, and styled the criminal court of the D. C.

*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 law, a court shall be established in the District of Columbia, for the trial of all crimes and offences against the laws now in force in the said District, and such as may be hereafter enacted, to be composed of one judge, to be appointed by the President of the United States, by and with the consent of the Senate, and to receive, as compensation for his services, an annual salary of two thousand dollars,

(a) An act to amend "An act to establish a criminal court in the District of Columbia;" February 20, 1839, chap. 31.

which court shall be styled the criminal court of the District of Columbia.

SEC. 2. *And be it further enacted*, That the said court shall hold four terms in each year, on the first Mondays of December, March, June, and September, in the city of Washington, for the county of Washington, and two terms in each year, on the first Mondays of April and November, in the town of Alexandria, for Alexandria county; and that the judge of said court shall have power to hold special terms of said court in each county whenever it shall seem to him necessary to order the same, of which order ten days' previous public notice shall be given.

Four terms in the city of Washington.

Two terms in the town of Alexandria.  
Power to hold special terms.

SEC. 3. *And be it further enacted*, That the district attorney, and marshal of the said District, and the clerks of the circuit court in the said District, for the counties of Washington and Alexandria, respectively, shall attend the said criminal court in said counties, and perform all the duties now by law required of them, respectively, in relation to the criminal business of the circuit court in the said counties, and shall, respectively, receive the same fees and compensation therefor. And the jurors and witnesses attending said court in the said counties shall be entitled to the same compensation they now receive for their attendance in the said circuit court in the said counties respectively.

District attorney, marshal, and clerks of the circuit court to attend and perform their duties.

Compensation of jurors and witnesses.

SEC. 4. *And be it further enacted*, That all recognizances, presentments, indictments, pleas, and criminal prosecutions, and proceedings whatsoever, and all suits and proceedings for fines and forfeitures and on forfeited recognizances, now pending in the said circuit court for the said counties of Washington and Alexandria, respectively, shall be transferred to the said criminal court in the said counties, respectively, and be there proceeded on as they would have been in the said circuit court for said counties, respectively, if this act had not been passed; and all process hereafter issued, or now issued from the said circuit court, for the said counties, respectively, shall be returnable and returned to the said criminal court at the next succeeding term and terms thereof, in the said counties, respectively, and the said criminal court shall have all the jurisdiction in the said counties, respectively, now held by the said circuit court in the said counties, respectively, for the trial and punishment of all crimes and offences, and the recovery of all fines, forfeitures, and recognizances.

All cases now pending to be transferred.

Jurisdiction.

SEC. 5. *And be it further enacted*, That the circuit court of the District of Columbia, or any judge thereof, during the vacation of the court, shall have power to award a writ of error, in any criminal case whatever, wherein final judgment shall have been pronounced by the criminal court for either county in the said District, returnable to the circuit court of that county in which said judgment may be rendered, convicting any person of any crime or misdemeanor, and to reverse said judgment, or remand the case, and order a new trial, or such other proceeding therein, as the nature of the case may require.

Writ of error may be awarded, returnable to the circuit court.

SEC. 6. *And be it further enacted*, That to enable the person so convicted by the judgment of the said criminal court, to apply for a writ of error, in all cases when the judgment shall be death, or confinement in the penitentiary, the said criminal court shall, on application of the party accused, postpone the final execution thereof, to a reasonable time beyond the next term of said circuit court, not exceeding in any case thirty days after the end of such term of the circuit court.

When execution may be postponed.

SEC. 7. *And be it further enacted*, That the said criminal court, in any case, may with the consent of the person accused, adjourn any question of law to the circuit court of that county, in the District aforesaid, in which the case is depending, which may be there argued and decided, though such accused person be not present.

When question of law may be adjourned, &c.

SEC. 8. *And be it further enacted*, That there shall be hereafter paid



Fees to the coroners, jurors, and witnesses.

to the coroners of the counties of Washington and Alexandria in the said district, and to the jurors and witnesses, who may be lawfully summoned by them in any inquest, the same fees and compensation as are now paid to the marshal of the said District, and the jurors attending the circuit court in the said county for similar services.

APPROVED, July 7, 1838.

#### STATUTE II.

July 7, 1838.

Circuit Court for East Tennessee.

1839, ch. 3.

1843, ch. 74.

Circuit Court for Maryland.

CHAP. CXCH.—*An Act to change the time of holding the United States Circuit Court in the District of East Tennessee and the District of Maryland.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Circuit Court of the United States for the District of East Tennessee, shall be held at Knoxville, on the third Monday in October, in each and every year, and the Circuit Courts of the United States for the District of Maryland shall be held at Baltimore on the first Monday of November annually.

Recognizances entered into, and process issued, when and where returnable.

SEC. 2. *And be it further enacted,* That all recognizances entered into, and all mesne and final process which have been issued, or which shall hereafter be issued, returnable to the first term of said Court, shall be returnable to the term hereby established, and shall have the same effect as though the said process had originally been made returnable to the term hereby established.

APPROVED, July 7, 1838.

#### STATUTE II.

July 7, 1838.

CHAP. CXCV.—*An Act supplementary to an act entitled "An act to increase the present military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight.*

Act of July 5, 1838, ch. 162.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act to which this is a supplement shall be, and the same hereby is explained, limited, and modified as follows:

No back rations shall be allowed.

*First.* Nothing contained in said act shall be so construed as to allow to any officer additional rations for time past, commonly called back rations.

Chaplains allowed at only twenty posts.

*Second.* The posts at which chaplains shall be allowed shall be limited to the number of twenty, and shall be first approved by the Secretary at War, and shall be confined to places most destitute of instruction.

Assistant quartermasters not required to be separated from the line.

*Third.* That so much of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

Twelve lieutenants only to be added.

*Fourth.* That the number of lieutenants authorized by said act to be added and transferred to the Ordnance Department, shall be limited to twelve.

Pay of a private soldier.

*Fifth.* That the monthly pay of a private soldier, raised by said act to eight dollars, shall be limited and fixed at seven dollars a month; one dollar thereof shall be retained, as provided for in said act.

Compensation to officers of the Engineer Dept. Commissaries not to be separated from the line.

*Sixth.* That no compensation shall be allowed to officers of the Engineer department for disbursement of public money, while superintending public works.

Bounty to soldiers repealed.

*Seventh.* That the three assistant commissaries of subsistence authorized by said act, shall not be separated from the line of the army.

*Eighth.* That so much of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years be, and the same is hereby, repealed.

Paymaster-General and Surgeon-General entitled to additional rations.

*Ninth.* That the said act shall be so construed as to allow to the Paymaster General and Surgeon General of the army, the additional rations therein granted to officers of the line and staff for every five years' service.

APPROVED, July 7, 1838.

CHAP. CCXII.—*An Act to restrain the circulation of small notes, as a currency, in the District of Columbia, and for other purposes.*

STATUTE II.

July 7, 1838.

Act of July 7, 1838, ch. 185.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, after the tenth day of April next, it shall be unlawful for any individual, company, or corporation, to issue, pass, or offer to pass, within the District of Columbia, any note, check, draft, bank-bill, or any other paper currency, of a less denomination than five dollars, and if any person or corporation shall violate the provisions of this section, the person so offending, or, in case of any corporation so offending, the officers of any such corporation for the time being, shall be liable to indictment by the grand jury of the county within the District where the offence shall have been committed; and the person so offending, or the officers of the corporation so offending, shall, on conviction thereof, be fined in a sum not exceeding fifty dollars, at the discretion of the court, for every offence; one half of said fine shall be paid to the prosecutor, the other half shall be for the use of the county where the offence shall have been committed: *Provided,* That should the prosecutor offer himself, or be admitted, as a witness for the prosecution, he shall forfeit all claim to any part of the penalty, and the whole shall go to the county, and the court shall give judgment accordingly; and the person so offending, and the officers of any corporation, shall also be liable to pay the amount of any note, bill, check, draft, or other paper, constituting part of such currency, to any holder thereof, with all costs incident to the protest and legal collection thereof, with fifty per cent. damages for non-payment on demand, to be recovered by action of debt; and in case of judgment for the plaintiff, execution thereon shall be had forthwith; and it shall be the duty of the district attorney of the District of Columbia to commence prosecutions against all persons and every corporation offending against this section, of which he shall have knowledge or probable information; and, in case of corporations, the prosecution shall be against the president or any director or cashier thereof, for the time being; and it shall be the duty of the grand jurors to present all such offences of which they shall have knowledge or probable information; and, that no member of a grand jury shall be ignorant of his duty in this particular, it shall be the duty of the court having cognizance of all offences against this section to give the same in charge to the grand juries at the commencement of the term after the passage of this act.

Unlawful, after 10th April next, to issue, &c. in the D. C., any note, &c. less than \$5.  
Violations of this section to render the offenders liable to indictment.

Penalty.

Disposition of the fine.

Proviso.

SEC. 2. *And be it further enacted,* That from and after the passage of this act, it shall be unlawful for any individual, company, or corporation, to issue, de novo, or knowingly to pass, or procure to be issued, passed or circulated, within the District aforesaid, any note, check, bank-bill, or other paper medium, of the denomination aforesaid, evidently intended for common circulation, as for and in lieu of small change in gold or silver, or for any other pretence whatever, and which shall be issued and circulated for the first time after the period above limited in this section, under the penalties provided in the foregoing section.

Unlawful, after the passage of this act, to issue, de novo, or knowingly to pass, &c. any note &c. of less than \$5.

APPROVED, July 7, 1838.

STATUTE II.

July 9, 1838.

CHAP. CCLXIV.—*An Act authorizing the printing of the Madison papers.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Joint Committee on the Library be authorized to cause the Madison papers to be printed and published; and that a sum not exceeding five thousand dol-

Madison papers.  
Act of Oct. 14, 1837, ch. 6.

lars be appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

APPROVED, July 9, 1838.

### RESOLUTIONS.

March 19, 1838. No. 1. *Joint Resolution, authorizing the Commissioner of the Public Buildings to cause the removal of the walls of the late Post Office Building.*

The walls of the late Post Office building to be taken down, &c.

Expenses, how paid.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioner of the Public Buildings be, and he hereby is, authorized and directed to cause the walls of the late Post Office building to be taken down, and the materials secured for use in the construction of any of the public buildings authorized by law, and to which they may be advantageously applied; and to defray the expenses of the work, he be authorized to apply any unexpended balances of appropriations in his hands, but not exceeding in amount the sum of five hundred dollars.

APPROVED, March 19, 1838.

April 4, 1838. No. 2. *A Resolution to authorize the Secretary of War to purchase a site for a fort at or near the western boundary of Arkansas.*

Appropriation for the purchase of a site for a fort.  
1836, ch. 62.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That out of the appropriation of fifty thousand dollars, made in the year eighteen hundred and thirty-six, to remove the United States troops from Fort Gibson, the Secretary of War be authorized and directed to take a sum not exceeding fifteen thousand dollars to purchase for the United States a site for a fort at or near the western boundary of Arkansas.

APPROVED, April 4, 1838.

May 31, 1838. No. 4. *A Resolution relating to the public revenue and dues to the Government.*

No difference to be made between the different branches of the revenue, as to the money of payment.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall not be lawful for the Secretary of the Treasury to make or to continue in force, any general order, which shall create any difference between the different branches of revenue, as to the money or medium of payment, in which debts or dues, accruing to the United States, may be paid.

APPROVED, May 31, 1838.

June 12, 1838. No. 5. *A Resolution to disapprove and disaffirm an act of the Legislative Council of the Wisconsin Territory chartering a bank.*

Congress dissent from, disapprove, and disaffirm the act of the Legislative Council of Wisconsin, incorporating the State Bank of Wisconsin.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress do, hereby, dissent from, disapprove, and disaffirm the act of the Legislative Council of Wisconsin, entitled "An act to incorporate the stockholders of the State Bank of Wisconsin at Prairie du Chien," a copy of which said act has, during the present session of Congress, been presented for its action, and for confirmation or disapproval; and the said act of the Legislative Council of the said Territory is hereby declared to be null and void, and to have no force or effect whatsoever as a law of the said Territory.

APPROVED, June 12, 1838.

No. 6. *Joint Resolution in favor of the authorities of the city of Savannah, in the State of Georgia.* June 18, 1838.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the authorities of the city of Savannah, in the State of Georgia, be, and they are hereby, authorized to reopen Reynolds and Wright streets, where they were closed by the works of Fort Wayne; and, also, to continue Bay street through the lands belonging to the United States in said city, and which form the site of Fort Wayne.

The city authorities of Savannah authorized to reopen Reynolds and Wright streets, and to continue Bay street.

APPROVED, June 18, 1838.

No. 7. *A Resolution for the benefit of the widows of certain revolutionary officers and soldiers.* July 7, 1838.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the benefits of the third section of an act entitled "An act granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes," approved the fourth day of July, eighteen hundred and thirty-six, shall not be withheld from any widow whose husband has died since the passage of the said act, or who shall hereafter die, if said widow shall otherwise be entitled to the same.

The benefits of 3d section of act of 4th July, 1836, ch. 362, extended to widows whose husbands have died, or shall die since the passage of said act.

APPROVED, July 7, 1838.

# ACTS OF THE TWENTY-FIFTH CONGRESS

OF THE

## UNITED STATES,

*Passed at the third session, which was begun and held at the City of Washington, in the district of Columbia, on Monday, the 3d day of December, 1838, and ended the 3d day of March, 1839.*

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President of the United States, and President of the Senate. JAMES K. POLK, Speaker of the House of Representatives.

### STATUTE III.

Dec. 22, 1838. CHAP. I.—*An Act making appropriations, in part, for the support of Government, for the years eighteen hundred and thirty-eight and eighteen hundred and thirty-nine.*  
[Obsolete.]

Appropriations. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz :

Pay and mileage of members of Congress. For pay and mileage of members of Congress and Delegates, three hundred and seventy thousand nine hundred and forty-four dollars;

Pay of officers of Congress. For pay of the officers and clerks of the Senate and House of Representatives, forty-three thousand four hundred dollars;

Cont. exp. of Senate. For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate, thirty-five thousand dollars;

Cont. exp. of House of Representatives. For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, one hundred thousand dollars.

The said two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

APPROVED, December 22, 1838.

### STATUTE III.

Jan. 11, 1839. CHAP. II.—*An Act to provide for carrying into effect the convention between the United States of America and the Republic of Texas for marking the boundary between them.* (a)  
Act of May 18 1842, ch. 29.

Commissioner and surveyor, how appointed. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioner and surveyor to be appointed on the part of the United States, according to the first article of the convention between the United States of America and the Republic of Texas for marking the boundary between them, concluded April twenty-fifth, eighteen hundred and thirty-eight, be severally appointed by the President of the United States, by and with the consent of the Senate, together with a clerk to the said commissioner, to be appointed in the same manner; and that for the purpose of carrying into effect the said first article of said convention,

(a) An act for the relief of persons residing within the reputed limits of the States of Arkansas or Louisiana, and beyond the boundary line between the United States and the republic of Texas, as established by the commissioners appointed to ascertain the same; June 15, 1844, chap. 75.

A joint resolution for annexing Texas to the United States, March 1, 1845.

there be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums:

For the salary of the commissioner, two thousand five hundred dollars;

Commissioner's salary.

For the salary of the surveyor, two thousand dollars;

Surveyor's salary.

For the salary of the clerk, one thousand two hundred dollars: *Provided*, That the salaries of the said officers shall not commence until they shall be ordered into service.

Clerk's salary. Salaries when to commence.

For other expenses of the survey of boundary required by said convention, including the purchase of instruments, wages to persons employed, and other contingencies, ten thousand dollars.

Contingent expenses.

APPROVED, January 11, 1839.

CHAP. III.—*An Act to amend an act entitled "An act to require the judge of the district of East and West Tennessee to hold a court at Jackson, in said State," approved June eighteenth, eighteen hundred and thirty-eight.* (a)

STATUTE III.

Jan. 18, 1839.

Act of June 18, 1838, ch. 118.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That to the counties specified in the first section of the act to which this is an amendment, the counties of Madison, Henderson, and Weakly, are hereby added to compose the district of West Tennessee, and the residue of the counties of the said State of Tennessee, formerly composing the district of West Tennessee, shall compose one district, to be called the Middle District of Tennessee.

District of West Tennessee.

SEC. 2. *And be it further enacted*, That the court to be held at Jackson, in addition to the ordinary jurisdiction and power of a district court, shall, within the limits of its district, have jurisdiction of all causes, except appeals and writs of error, which now are, or hereafter may by law be, made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court.

Middle dist. of Tennessee.

The court to be held at Jackson.

SEC. 3. *And be it further [enacted]*, That the said court shall be held annually on the first Monday in April, at the town of Jackson, in the county of Madison, in said State, and all writs and other process may be returnable to such court on the first Monday in April, and also at rules on the first Monday in October, in the same manner as to the regular sessions of said court; and the said writs and other process may also bear test on the first Monday in October, as though a session of the court was held on that day at Jackson; and writs and other process issued previously to the first Monday in April next may bear test as on the first Monday in October last.

Said court to be held annually.

Writs, &c. when and how returnable.

SEC. 4. *And be it further enacted*, That the marshal appointed by virtue of the act to which this is an amendment, shall execute throughout his district all lawful precepts directed to him, and issued under the authority of the United States, and shall have the same power, perform the same duties, and be under the same liabilities within his district as is conferred by law upon the other marshals of the United States within their respective districts; *Provided*, That the marshal of the Middle District, formerly termed the district of West Tennessee, shall have power and authority to collect the executions issued or to be issued upon judgments and decrees heretofore rendered in the circuit court of the United States, at Nashville, and to serve and execute all process necessary to enforce such judgments, orders, or decrees, as if this act, or the act to which this is an amendment, had not passed; and all writs of scire facias and other process upon the said judgments and decrees, or upon suits now pending in said circuit court, at Nashville, shall also be

Duties and liabilities of the marshal, &c.

Proviso.

(a) Circuit courts in Tennessee, vol. 2, pages 420, 477, 516, 693; act of March 3, 1839, chap. 80, sec. 2; act of July 4, 1840, chap. 42, sec. 3; act of April 14, 1842, chap. 20; act of May 18, 1842, chap. 30; act of March 3, 1843, chap. 74.

An additional term of Middle Dist. to be held, &c.

Rules of U. S. circuit courts in W. Tennessee to be enforced in the court established by this act, &c.

Suits, not of a local nature, to be brought in the court of the dist. where the defendant resides, &c.

A special term of the U. S. circuit court for the dist. of E. Tennessee to be held, &c.

Whenever there is a dangerous and general disease at the place where the court is usually holden, the court may adjourn, &c.

issued from said circuit court and returned to the same, to be proceeded in as would have been done before the passage of said act to which this is an amendment.

SEC. 5. *And be it further enacted*, That there shall be an additional term of the circuit court for the Middle District held at Nashville, in each year, on the first Monday of March, which shall be held by the district judge of the United States for the State of Tennessee, and should any question of law be raised in any cause, the said district judge may, at his discretion, adjourn the cause to the succeeding term of the circuit court.

SEC. 6. *And be it further enacted*, That the rules of the circuit courts of the United States in West Tennessee, heretofore adopted, shall be in full force and effect in the court established by this act, and the act to which this is an amendment, until the same are altered by law or by the judges of said court.

SEC. 7. *And be it further enacted*, That all suits hereafter to be brought in either of the courts of the United States in the State of Tennessee, not of a local nature, shall be brought in the court of the district where the defendant resides or may be found at the time of the service of the writ; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send a duplicate writ against the defendant, directed to the marshal of the other district, on which the plaintiff or his attorney shall endorse, that the writ thus sent is a copy of the writ sued out of the circuit or district court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly; and executions may issue thereon to the marshals of either district where the defendant or defendants may reside, or their or either of their property may be situated.

SEC. 8. *And be it further enacted*, That there shall be held at Knoxville, on the third Monday of April next, a special term of the circuit court of the United States for the District of East Tennessee, by the district judge of said district, at which term shall be heard and tried all issues and matters cognizable at the regular term of said court.

SEC. 9. *And be it further enacted*, That the judges or some one of them, of the circuit courts of the United States, shall have power to direct said courts to be adjourned over, to some future day, designated in a written order to the clerk of either of said courts, whenever there is a dangerous and general disease at the place where said court is usually holden; and the adjournment over, by the clerk, in the absence of the judges, shall have the same force and effect as if the judges had been present.

APPROVED, January 18, 1839.

#### STATUTE III.

Jan. 25, 1839.

Act of March 3, 1845, ch. 43, sec. 19.

Allowance to railroad companies for carrying mails, under act July 7, 1838, ch. 172, sec. 2.

CHAP. IV.—*An Act further to regulate the transportation of the mail upon railroads.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster General shall not, by virtue of the authority vested in him by the second section of the "Act to establish certain post routes and to discontinue others," approved July seventh, eighteen hundred and thirty-eight, allow more than three hundred dollars per mile per annum to any railroad company in the United States for the conveyance of one or more daily mails upon their roads: *Provided*, That nothing in this act contained shall be construed so as in any way to remove or impair the limitations upon the power of the Postmaster General imposed by that section.

APPROVED, January 25, 1839.

STATUTE III.

Feb. 6, 1839.

CHAP. XX.—*An Act to reorganize the district courts of the United States in the State of Alabama.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of Alabama shall be, and the same is hereby, divided into three districts, in manner following, to wit: The counties of Walker, Pickens, Sumter, Marengo, Green, Perry, Bibb, Autauga, Coosa, Tallapoosa, Chambers, Shelby, Jefferson, and Tuscaloosa, shall compose one district, to be called the middle district; and a court shall be held for the said district at Tuscaloosa. The counties of Jackson, Madison, Limestone, Lauderdale, St. Clair, Marion, Fayette, Randolph, Taladega, Franklin, Lawrence, Morgan, Benton, Marshall, De Kalb, Cherokee, and Blount, shall hereafter compose one district, to be called the northern district; and a court shall be held for the same, as heretofore, at Huntsville: and the residue of the counties of said State shall hereafter compose the southern district of Alabama; and a court shall be held for the same, as heretofore, at Mobile.

Alabama divided into three districts. Middle district.

Northern district.

Southern district.

SEC. 2. *And be it further enacted,* That there shall be two terms of the district court for the middle district held at Tuscaloosa, in each year, to begin on the fourth Monday in May, and the first Monday after the fourth Monday in November; and the district judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid; and, furthermore, to hold one or more special terms at Tuscaloosa in each year, if, in his opinion, the business of the court shall require it to be done.

District judge to hold two annual terms, &c.

SEC. 3. *And be it further enacted,* That the fourth Monday in May, and first Monday after the fourth Monday in November, in each year, shall be return days for writs and executions returnable to the said district court at Tuscaloosa; and the parties to such suits as shall be so returned shall make up their pleadings, under such rules as the court shall prescribe, in order to have the causes so returned in a state of readiness for trial at the succeeding regular term.

Return days of the court at Tuscaloosa.

SEC. 4. *And be it further enacted,* That all causes at law or in chancery, pending in the said district courts at Mobile and Huntsville, or in the circuit court of the United States at Mobile, in which the defendant or defendants resided in the middle district (as hereby established) at the time of serving process shall be transferred for trial to the district court for the said middle district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerks of the said courts at Huntsville and Mobile safely to transmit to the clerk of the district court at Tuscaloosa the original papers in all cases hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

All causes pending in district courts to be transferred for trial to said middle district.

Clerks to transmit the papers in said cases.

SEC. 5. *And be it further enacted,* That all suits hereafter to be brought in either of said courts, not of a local nature, shall be brought in a court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send duplicate writ or writs to the other defendants; on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

Suits not of a local nature, where to be brought.

SEC. 6. *And be it further enacted,* That the judge of said district courts shall appoint a clerk of the district court of the middle district,

Judge to appoint a clerk—his fees, &c.



who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said court; said clerk shall be entitled to the same fees allowed by law to the clerks of the other districts of said State, perform the like duties, and be subject to the same liabilities and penalties.

The Attorney for the northern and the Marshal for the southern district to perform certain duties.

SEC. 7. *And be it further enacted*, That the district attorney of the northern, and the marshal of the southern, district of Alabama shall respectively perform the duties of district attorney and marshal of and for the middle district hereby established; and the said marshal shall keep an office at the city of Tuscaloosa, and his charges for mileage in the execution of the duties of his office within said middle district shall be computed from the said city of Tuscaloosa.

Jurisdiction of court for the middle district.

SEC. 8. *And be it further enacted*, That the said district court for the middle district of Alabama, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall, within the limits of said middle district, have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may by law be made, cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court.

Appeals, &c. to lie to U. S. circuit court at Mobile.

SEC. 9. *And be it further enacted*, That appeals and writs of error in the nature of appeals, shall lie and may be sued from the said district court at Tuscaloosa to the circuit court of the United States at Mobile in the State of Alabama.

Adjournment of the court.

SEC. 10. *And be it further enacted*, That should the judge of the district courts aforesaid fail to attend at the time and place of holding the court for the said middle district, at any one of its terms aforesaid, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next term thereof.

Laws contravening this act repealed.

SEC. 11. *And be it further enacted*, That all laws contravening or opposed to the provisions of this act be, and the same are hereby repealed.

APPROVED, February 6, 1839.

#### STATUTE III.

Feb. 13, 1839.

[Obsolete.]

CHAP. XXIV.—*An Act to provide for the location and temporary support of the Seminole Indians removed from Florida.*

Appropriation for the Seminoles.

*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 provide a suitable location, west of the States of Missouri or Arkansas, for the Seminole Indians who have been or may be removed from Florida; and to provide for their support until they shall be removed to such location; and that, for these purposes, the sum of ten thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, February 13, 1839.

#### STATUTE III.

Feb. 13, 1839.

[Obsolete.]

CHAP. XXV.—*An Act making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year eighteen hundred and thirty-nine.*

Appropriations. Revolutionary pensioners under acts other than those of May 15, 1828, ch. 53, June 7, 1832, ch. 126, and July 4, 1836, ch. 362.

*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, in addition to former appropriations, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-nine:

For the revolutionary pensioners, under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight; the seventh of June, one thousand eight hundred and thirty-two;

and the fourth of July, one thousand eight hundred and thirty-six, three hundred and twenty-six thousand two hundred and fifty dollars:

For the invalid pensioners, under various laws, three hundred thousand six hundred and eighty-five dollars and sixty-three cents:

For pensions to widows and orphans under the act of the fourth of July, one thousand eight hundred and thirty-six, four hundred and ninety thousand and eighty-four dollars and fifty-two cents:

For five years' pensions to widows, per act seventh July, one thousand eight hundred and thirty-eight, one million three hundred and seventy-two thousand dollars:

For half-pay pensions, payable through the office of the Third Auditor, ten thousand dollars.

APPROVED, February 13, 1839.

Invalid pensioners.  
Pensions to widows and orphans under act July 4th, 1836, ch. 362.  
Pensions to widows under act July 7th, 1838, ch. 189.  
Half-pay pensions payable through office Third Auditor.

STATUTE III.

Feb. 16, 1839.

CHAP. XXVI.—*An Act to repeal the proviso to the second section of an act approved the third of March, eighteen hundred and thirty-seven, which authorized the Secretary of the Treasury to compromise the claims of the United States against certain banks.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proviso to the second section of "An act to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds standing to his debit on the books of the Treasury, to transfer the amount to the debit of banks and individuals indebted for the same, and to authorize the Secretary of the Treasury to compromise and settle said claims," approved 3d of March, eighteen hundred and thirty-seven, which prohibits the Secretary of the Treasury from compromising the claims of the United States against the Alleghany Bank of Pennsylvania, be, and the same is hereby repealed; and that the Secretary of the Treasury is hereby authorized to compromise and settle the claim of the United States against said bank.

APPROVED, February 16, 1839.

The 2d section act 3d March, 1837, ch. 35, repealed, &c.

STATUTE III.

Feb. 16, 1839.

CHAP. XXVII.—*An Act to amend "An act to reorganize the district courts of the United States in the State of Mississippi," approved June eighteenth, eighteen hundred and thirty-eight. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the court of the northern district of Mississippi, besides the ordinary jurisdiction of a district court, shall have jurisdiction of all causes, except appeals and writs of error, cognizable by law in a circuit court, and shall proceed therein in the same manner as a circuit court.

SEC. 2. *And be it further enacted,* That defendants residing in said northern district shall not be sued in the circuit court held at Jackson, except in the cases and in the mode prescribed by the fourth section of the act to which this is an amendment.

SEC. 3. *And be it further enacted,* That all appeals and writs of error from the decisions of the said district court, when exercising the powers of a circuit court, shall be directly to the Supreme Court of the United States, in the same manner and under the same limitations and restrictions that they are now allowed by law from the circuit court.

SEC. 4. *And be it further enacted,* That the Marshal of the several districts in the State of Mississippi, in addition to the several sale days now allowed by law, may be authorized to sell property at the court-house of each county on Monday of each week, and on the first and second

Act of June 18, 1838, ch. 115.

The court of the N. dist. of Mississippi shall have jurisdiction, &c.

Appeals and writs of error shall be to supreme court U. S.

The marshal for the several districts of Mississippi, in addition to the sale days

(a) See notes of acts relating to the district court of Mississippi, vol. 3, 611.

now allowed by law, authorized to sell property on certain other days.  
Proviso.

days of each term of the district court; and that he may, at the written request of the defendant, change the sale of property to the place where the United States court for his district is holden: *Provided*, in the opinion of the Marshal, the interest of the plaintiff would not be compromised thereby.

APPROVED, February 16, 1839.

STATUTE III.  
Feb. 16, 1839.

[Obsolete.]

Appropriations.

CHAP. XXVIII.—*An Act making an appropriation for the support of the penitentiary 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 in addition to the unexpended balance of appropriations of eighteen hundred and thirty-seven, now subject to the order of the inspectors, there shall be, and hereby is, appropriated, for the support of the penitentiary for the District of Columbia, for the year eighteen hundred and thirty-eight, and for the payment of claims not settled, as follows: For pay of officers and agents; for repairs to buildings; for purchase of raw materials; for rations, clothing, beds, and bedding of prisoners; for purchase of fuel; for purchase of hospital stores and medicines; for purchase of books and stationery; for purchase of horse food; for allowance to discharged convicts; for pay of the inspectors for the years eighteen hundred and twenty-nine and eighteen hundred and thirty; for compensation to the secretary to the board of inspectors, from the date of his appointment, at two hundred dollars per annum, for keeping the books, records, and papers of the inspectors, as required by law; and for other contingent expenses of the institution, the sum of eight thousand six hundred and eighty-nine dollars, and forty cents; to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the board of inspectors.

APPROVED, February 16, 1839.

STATUTE III.  
Feb. 20, 1839.

Any person challenging another, &c.

CHAP. XXX.—*An Act to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person shall, in the District of Columbia, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the said District, and such duel shall be fought in or out of the said District, and either of the parties thereto shall be slain or mortally wounded in such duel, the surviving party to such duel, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message as aforesaid, and all others aiding or abetting therein, shall be deemed guilty of felony, and upon conviction thereof, in any court competent to the trial thereof, in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, in the discretion of the court.

Any person giving, or sending, or causing a challenge to be given or sent, &c.

SEC. 2. *And be it further enacted*, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in said District shall accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every

person so giving or sending, or causing to be given or sent, or accepting such challenge or being the bearer thereof, and every person aiding or abetting in the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof in any court competent to try the same in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding five years, in the discretion of the court.

SEC. 3. *And be it further enacted*, That if any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District of Columbia, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or published, any writing charging any such person so declining or refusing to accept any such challenge, to be a coward, or using any other opprobrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof, in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary, for a term not exceeding three years, in the discretion of the court.

Any person assaulting, striking, beating, or wounding another, &c.

SEC. 4. *And be it further enacted*, That, if any person or persons, for the purpose of evading the provisions of this act, shall leave the District of Columbia, by previous arrangement or concert within the same, with intent to give or receive any such challenge without said District, and shall give or receive any such challenge accordingly, the person or persons so offending shall be deemed guilty of a misdemeanor, and be subject to the same penalties as if such challenge had been given and received within said district.

Any person giving or receiving a challenge after having left the District by previous arrangement, &c.

SEC. 5. *And be it further enacted*, That every offender may plead a former conviction or acquittal for the same offence in any State or country; and the same, being established, shall be a bar to any further proceedings against such person under the next preceding section of this act.

Bar to further proceedings, by pleading a former conviction.

SEC. 6. *And be it further enacted*, That any person offending against the provisions of this act may be a competent witness against any other person offending in the same transaction, and may, at the discretion of the court, be compelled to give evidence before any grand jury, or on any trial in court; but the person so testifying shall not thereafter be liable to prosecution for the same matter, nor shall the testimony so given be used against him in any case whatsoever.

Evidence, &c.

SEC. 7. *And be it further enacted*, That, in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentment make of all offences against this act.

Grand jury to be sworn, &c.

APPROVED, February 20, 1839.

STATUTE III.

CHAP. XXXI.—*An Act to amend an act entitled "An act to establish a criminal court in the District of Columbia."*

Feb. 20, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the judge of the said criminal court, from sickness, or any other legal cause, shall be unable to hold the said court, he shall give notice thereof to the chief judge of the circuit court of the District of Columbia, who, if not prevented by sickness or other legal cause, on receiving such notice, shall hold the said court during the temporary inability of the judge of the said court; and if the chief judge of the said circuit

Act of July 7, 1838, ch. 192.

In case of inability of the judge of the criminal court, from sickness, &c.

court shall not be able to hold the said criminal court, then the senior assistant judge of the said circuit court shall hold the same.

All writs, &c.  
to be tested in  
the name of the  
judge.

Powers of the  
judge.

SEC. 2. *And be it further enacted*, That all writs and process which shall issue from the said court, shall be tested in the name of the judge of the said court.

SEC. 3. *And be it further enacted*, That the judge of the said court shall, out of court, in all criminal matters, and breaches of the peace and good behavior, have and exercise all the powers by law vested in the circuit court of the United States, and the judges thereof, and which were vested by the acts establishing the circuit court of the District of Columbia, and judges of the same.

The judge to  
take an oath of  
office, &c.

SEC. 4. *And be it further enacted*, That the judge of the said criminal court shall take the oath of office, provided by law to be taken by the judges of the circuit court of the District of Columbia; and shall have power to make all needful rules of practice for the orderly and speedy administration of the business of the same, as he shall deem expedient, not inconsistent with the laws and Constitution of the United States; and the said court is hereby authorized to provide a seal for the same; and he shall have the same power and authority as is exercised by the judges of the circuit court of the District of Columbia, to require bail in all cases when by law bail may be required.

In order to pre-  
vent delay, &c.

SEC. 5. *And be it further enacted*, In order to prevent the delay and long confinement in the jails of said district, of prisoners sentenced to be executed, or to the penitentiary, when the party claims the right to have the sentence suspended, to give an opportunity of applying for a writ of error: *Be it enacted*, That all writs of error which may be granted to the judgment of the criminal court of either county, shall be returned to the circuit court which may be in session, or to the next circuit court which may be held at the stated times fixed by law for the meeting of the same; and that so much of the fifth section of the act establishing the criminal court as requires the writ of error to be returned to the circuit court of the county in which said judgment may be rendered, be, and the same is hereby repealed. The judgment of the circuit court shall be certified to the clerk of the criminal court, and preserved among the original papers in the case.

Writs of error  
to be returned,  
&c.

Such part of  
sec. 5th of the  
former act as is  
inconsistent  
with this, re-  
pealed.

Days on which  
the criminal  
court for Wash-  
ington county  
shall be held.

SEC. 6. *And be it further enacted*, That the said criminal court for Washington county, in said District, shall hereafter commence and be held on the last Monday in December and on the second Monday in March and the fourth Monday of October, instead of the first Monday in December and the first Monday in March and the first Monday of September, the days now fixed by law for holding three of the terms of said court. All process whatsoever now issued, or which may be issued in the county of Washington, in said District, returnable to the days now fixed by law for said county, shall be returnable and returned on the days prescribed by this statute.

Process in  
Washington  
county.

Adjournment  
of the court, &c.

SEC. 7. *And be it further enacted*, That if, after the said court shall have commenced its session, the judge should be taken sick, so as not to be able to continue the session of the court from day to day until the business of the term is disposed of, it shall be lawful for him, or in his absence for the clerk of the said court to adjourn the same from day to day or week to week until such time as he shall be able to attend to the business of the said court, when the same shall be resumed as if the session had not been interrupted. But if the sickness of the said judge shall continue longer than the space of one month, then the chief judge of the circuit court of the District of Columbia shall hold the said court and continue the session; and if the said chief judge shall be unable from sickness or other disability to hold the said court, then the senior assistant judge of the said circuit court shall hold the same.

Cases wherein

SEC. 8. *And be it further enacted*, That in any case wherein the

parties or any of them may be related to the said judge of the criminal court, then such case and the record thereof may be sent to the next circuit court of the District of Columbia for the county in which the said case shall have arisen, to be there tried and determined, and sentence passed and executed, as if this act and the act to which this is supplemental had never been passed.

any of the parties are related to the judge.

SEC. 9. *And be it further enacted*, That all causes, indictments, writs, process, and proceedings which were pending in the criminal court of the District of Columbia for the county of Washington, at the time appointed by law for holding a session thereof, on the first Monday of December last past, or which were returnable to the session of said court which ought to have been holden on said first Monday of December, shall be, and the same are hereby, revived, reinstated, and continued over to the next stated session of said court for said county, to be holden on the second Monday of March next, in the same manner and condition, and the same further proceedings may be had therein as if a session of the said court had been held, according to law, on the said first Monday of December, and as if a regular continuance of all said causes, indictments, writs, process, and proceedings, had been duly entered upon the records of the said court.

All cases, &c. which were pending in Washington co. revived, &c.

APPROVED, February 20, 1839.

STATUTE III.

CHAP. XXXIII.—*An Act to prevent the abatement of suits and actions now pending, in which the Bank of Columbia, in Georgetown, may be a party.*

Feb. 28, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no suit, action, judgment, or decree, now pending and unsatisfied, in which the Bank of Columbia, in Georgetown, is party, plaintiff or defendant, shall abate, or be discontinued or dismissed by reason of the expiration of the term for which the said bank is chartered, but all such suits, actions, judgments, and decrees shall be allowed to proceed to final judgment, execution, satisfaction, and settlement; and for that purpose it shall be lawful to use the corporate name, style and capacity, notwithstanding the expiration of the term of its incorporation.

No suit, &c. now pending, shall abate, &c.

APPROVED, February 28, 1839.

STATUTE III.

CHAP. XXXV. —*An Act to abolish imprisonment for debt in certain cases. (a)*

Feb. 28, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no person shall be imprisoned for debt in any State, on process issuing out of a court of the United States, where by the laws of such State, imprisonment for debt has been abolished; and where by the laws of a State, imprisonment for debt shall be allowed, under certain conditions and restrictions, the same conditions and restrictions shall be applicable to the process issuing out of the courts of the United States; and the same proceedings shall be had therein, as are adopted in the courts of such State.

Imprisonment for debt abolished.  
Act of Jan. 14, 1841, ch. 2.

APPROVED, February 28, 1839.

STATUTE III.

CHAP. XXXVI.—*An Act in amendment of the acts respecting the Judicial System of the United States. (b)*

Feb. 28, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That where, in any suit at law or in equity, commenced in any court of the United States, there shall be several defendants, any one or more of whom shall not be inhabitants

The court may entertain jurisdiction in certain cases.

(a) See notes of acts relating to imprisonment for debt, vol. 1, 265.

(b) An act concerning the Supreme Court of the United States, June 17, 1844, chap. 96.

of or found within the district where the suit is brought or shall not voluntarily appear thereto, it shall be lawful for the court to entertain jurisdiction, and proceed to the trial and adjudication of such suit, between the parties who may be properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties, not regularly served with process, or not voluntarily appearing to answer; and the nonjoinder of parties who are not so inhabitants, or found within the district, shall constitute no matter of abatement, or other objection to said suit.

Appointment of clerks—how made.

SEC. 2. *And be it further enacted*, That all the circuit courts of the United States shall have the appointment of their own clerks; and in case of a disagreement between the judges the appointment shall be made by the presiding judge of the court.

Pecuniary penalties, &c. where sued for and recovered.

SEC. 3. *And be it further enacted*, That all pecuniary penalties and forfeitures accruing under the laws of the United States may be sued for and recovered in any court of competent jurisdiction in the State or district where such penalties or forfeitures have accrued, or in which the offender or offenders may be found.

No suits, &c. to be maintained for penalties, &c. unless commenced within five years.

Proviso.

SEC. 4. *And be it further enacted*, That no suit or prosecution shall be maintained, for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, unless the same suit or prosecution shall be commenced within five years from the time when the penalty or forfeiture accrued; *Provided*, The person of the offender or the property liable for such penalty or forfeiture shall, within the same period, be found within the United States; so that the proper process may be instituted and served against such person or property therefor.

Certain punishments abolished.

SEC. 5. *And be it further enacted*, That the punishment of whipping and the punishment of standing in the pillory, so far as they now are provided for by the laws of the United States, be, and the same are hereby, abolished.

Penalties, for the forfeiture of recognizance, &c. may be remitted.

SEC. 6. *And be it further enacted*, That, in all cases of recognizances in criminal causes taken for, or in, or returnable to, the courts of the United States, which shall be forfeited by a breach of the condition thereof, the said court for or in which the same shall be so taken, or to which the same shall be returnable, shall have authority in their discretion to remit the whole or a part of the penalty, whenever it shall appear to the court that there has been no wilful default of the parties, and that a trial can notwithstanding be had in the cause, and that public justice does not otherwise require the same penalty to be exacted or enforced.

Sec. 2 of act of 29th April 1802, ch. 31, repealed.

SEC. 7. *And be it further enacted*, That the second section of the act of Congress, passed the twenty-ninth day of April, one thousand eight hundred and two, which makes it the duty of the associate justice of the Supreme Court, resident in the fourth circuit, to attend in the city of Washington, on the first Monday of August annually, to make orders respecting the business of the Supreme Court, be, and the same is, hereby, repealed.

In suits and actions in which the judges are in any way concerned, &c.

SEC. 8. *And be it further enacted*, That in all suits and actions in any circuit court of the United States in which it shall appear that both the judges thereof or the judge thereof, who is solely competent by law to try the same, shall be any ways concerned in interest therein, or shall have been of counsel for either party, or is, or are so related to or connected with either party as to render it improper for him or them, in his or their opinion, to sit in the trial of such suit or action, it shall be the duty of such judge or judges, on application of either party to cause the fact to be entered on the records of the court; and also to make an order that an authenticated copy thereof, with all the proceedings in such suit or action, shall be forthwith certified to the most convenient circuit court in the next adjacent State, or in the next adjacent circuit; which circuit court shall, upon such record and order being filed with the clerk there-

of, take cognizance thereof in the same manner as if such suit or action had been rightfully and originally commenced therein, and shall proceed to hear and determine the same accordingly, and the proper process for the due execution of the judgment or decree rendered therein, shall run into and may be executed in the district where such judgment or decree was rendered, and also, into the district from which such suit or action was removed.

APPROVED, February 28, 1839.

CHAP. XXXVII.—*An Act to revise and extend "An act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved the twenty-first of May, eighteen hundred and thirty-eight. (a)*

*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, with the approbation of the President of the United States, is hereby authorized to cause to be issued the remainder of the Treasury notes authorized to be issued by the act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved the twenty-first day of May, eighteen hundred and thirty-eight, according to the provisions of said act, at any time prior to the thirtieth day of June next, any limitation in the act aforesaid or in the act "to authorize the issuing of Treasury notes," approved the twelfth day of October, eighteen hundred and thirty-seven, to the contrary notwithstanding.

APPROVED, March 2, 1839.

STATUTE III.

March 2, 1839.

Act of May 21, 1838, ch. 82.

Sec. Treas. to cause to be issued the remainder of the Treasury notes authorized by act of 21st May 1838, ch. 82.

1837, ch. 2.

CHAP. LXX.—*An Act to provide for the erection of public buildings in the Territory of Florida.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of twenty thousand dollars be, and the same is hereby, granted to the Territory of Florida, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of erecting a suitable State House or public buildings in the Territory of Florida, for the use and accommodation of the Territorial Legislature of said Territory; and in which building, when erected and completed, the office of the Secretary of said Territory shall be kept, and also the public records and archives of said Territory.

SEC. 2. *And be it further enacted,* That the said sum of money appropriated by the first section of this act shall be paid over to the Treasurer of said Territory on the order of the Governor, and shall be expended for the purpose aforesaid, under the direction of the Governor and Legislative Council, and in such way and manner and at such times as they shall, by law or resolution for that purpose, prescribe: *Provided,* That the passage of this law shall not at any time be held as an engagement on the part of the United States for any further appropriation to the objects hereinbefore mentioned.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

Appropriation to Florida for the erection of public buildings.

To be paid to the Treasurer of the Territory on the order of the Governor, &c.

Proviso.

STATUTE III.

March 3, 1839.

[Obsolete.]

CHAP. LXXI.—*An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year one thousand eight hundred and thirty-nine.*

*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, for the year one thousand eight hundred and thirty-nine, for the purpose of paying the current

(a) Notes of the acts which have been passed relative to the issuing of Treasury notes, vol. 3, 100.



expenses of the Indian department, fulfilling treaty stipulations with the various Indian tribes, and contingent expenses; to be paid out of any money in the Treasury not otherwise appropriated:

For the current and contingent expenses of the Indian department, viz.:

Pay of superintendent and agents.  
1834, ch. 162.  
1837, ch. 31.  
Sub-agents.  
1834, ch. 162.  
Interpreters.

For the pay of the superintendent of Indian affairs at St. Louis, and the several Indian agents, as provided by the acts of June thirtieth, eighteen hundred and thirty-four, and of March third, eighteen hundred and thirty-seven, sixteen thousand five hundred dollars;

For pay of sub-agents, authorized by the act of June thirtieth, eighteen hundred and thirty-four, thirteen thousand dollars;

For the pay of interpreters, as authorized by the same act, nine thousand three hundred dollars;

Presents to Indians.

For presents to Indians authorized by the same act, five thousand dollars;

Provisions for Indians.

For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars;

Buildings at the agencies.

For the necessary buildings required at the several agencies, and repairs thereof, ten thousand dollars;

Expenses of Indian dep't.

For postages, rents, stationery, fuel for offices, and other contingencies of the Indian department, and for transportation and incidental expenses, thirty-six thousand five hundred dollars;

Clerk to superintendent Indian affairs.

For the salary of one clerk in the office of the superintendent of Indian affairs, south of the Missouri river, one thousand dollars;

Six Nations of New York.  
Senecas of New York.  
Ottawas.  
Wyandots.  
Wyandots.  
Munsees and Delawares.  
Christian Indians.  
Miamies.  
Eel Rivers.  
Pottawatamies.  
Pottawatamies of Huron.  
Pottawatamies of the Prairie.  
Pottawatamies of the Wabash.  
Pottawatamies of Indiana.  
Chippewas, Ottawas, and Pottawatamies.  
Winnebagoes.  
Menomonies.  
Chippewas of the Mississippi.  
Chippewas of Saginaw.  
Chippewas, Menomonies, &c.  
Sioux of the Mississippi.  
Yancton and Santie Sioux.  
Omahas.  
Sacs and Foxes of the Missouri.

For carrying into effect the stipulations of certain Indian treaties, and the laws connected therewith, viz.:

For the Six Nations of New York, four thousand five hundred dollars;

For the Senecas of New York, six thousand dollars;

For the Ottawas, four thousand three hundred dollars;

For the Wyandots, six thousand eight hundred and forty dollars;

For the Wyandots, Munsees, and Delawares, one thousand dollars;

For the Christian Indians, four hundred dollars;

For the Miamies, forty thousand one hundred and ten dollars;

For the Eel Rivers, one thousand one hundred dollars;

For the Pottawatamies, twenty thousand two hundred dollars;

For the Pottawatamies of Huron, four hundred dollars;

For the Pottawatamies of the Prairie, sixteen thousand dollars;

For the Pottawatamies of the Wabash, twenty thousand dollars;

For the Pottawatamies of Indiana, seventeen thousand dollars;

For the Chippewas, Ottawas, and Pottawatamies, thirty-four thousand two hundred and ninety dollars;

For the Winnebagoes, ninety-two thousand eight hundred and sixty dollars;

For the Menomonies, thirty-two thousand six hundred and fifty dollars;

For the Chippewas of the Mississippi, thirty-five thousand dollars;

For the Chippewas of Saginaw, five thousand eight hundred dollars;

For the Chippewas, Menomonies, Winnebagoes, and New York Indians, fifteen hundred dollars;

For the Sioux of the Mississippi, forty-two thousand five hundred and ten dollars;

For the Yancton and Santie Sioux, four thousand three hundred and forty dollars;

For the Omahas, three thousand nine hundred and forty dollars;

For the Sacs and Foxes of the Missouri, twelve thousand five hundred and seventy dollars;

For the Iowas, eight thousand nine hundred and fifty dollars;	Iowas.
For the Sacs and Foxes of the Mississippi, fifty-four thousand five hundred and forty dollars;	Sacs and Foxes of the Mississippi.
For the Sacs, Foxes, Sioux, Iowas, Omahas, and Ottoes and Missourias, three thousand dollars;	Sacs, Foxes, Sioux, Iowas, &c.
For the Ottoes and Missourias, five thousand six hundred and forty dollars;	Ottoes and Missourias.
For the Kanzas, six thousand and forty dollars;	Kanzas.
For the Osages, fourteen thousand four hundred and ninety-six dollars;	Osages.
For the Kickapoos, five thousand five hundred dollars;	Kickapoos.
For the Kaskaskias and Peorias, three thousand dollars;	Kaskaskias and Peorias.
For the Piankeshaws, eight hundred dollars;	Piankeshaws.
For the Weas, three thousand dollars;	Weas.
For the Delawares, ten thousand four hundred and forty-four dollars;	Delawares.
For the Shawnees, seven thousand one hundred and eighty dollars;	Shawnees.
For the Senecas and Shawnees, two thousand and sixty dollars;	Senecas and Shawnees.
For the Senecas, two thousand six hundred and sixty dollars;	Senecas.
For the Choctaws, fifty-seven thousand six hundred and twenty-five dollars;	Choctaws.
For the Chickasaws, six thousand dollars;	Chickasaws.
For the Creeks, forty-six thousand four hundred and forty dollars;	Creeks.
For the Quapaws, four thousand six hundred and sixty dollars;	Quapaws.
For the Florida Indians, nine thousand six hundred and ten dollars;	Florida Indians.
For the Pawnees, twelve thousand dollars;	Pawnees.
For the Cherokees, seven thousand six hundred and forty dollars;	Cherokees.
For the Ottawas and Chippewas, sixty-two thousand four hundred and sixty-five dollars;	Ottawas and Chippewas.
For the Caddoes, ten thousand dollars;	Caddoes.
For the following expenditures in the Indian Department, the appropriations having been carried to the surplus fund on the thirty-first December last, viz:	Re-appropriations.
For blacksmiths' establishments, twenty-seven thousand five hundred and eight dollars and sixty-six cents;	Blacksmiths' establishment.
For treaty stipulations, fifteen thousand four hundred and thirty-two dollars and eighty-four cents;	Treaty stipulations.
For the expenses of treating with the Chippewas of Saganaw, ninety-seven dollars and thirteen cents;	Treaty with the Chippewas of Saganaw.
For the expenses of Indian deputations, two thousand six hundred and thirty dollars;	Indian deputations.
For the education of Indian youths, twenty thousand five hundred and forty-one dollars and twenty-five cents;	Education of Indian youths.
For holding treaties with certain Indian tribes, four hundred and forty-seven dollars and fifty cents;	Holding treaties.
For locating reservations, two hundred and five dollars and thirteen cents;	Locating reservations.
For purchase of rifles for the Pottawatamies, one hundred and twelve dollars and thirty-eight cents;	Rifles for Pottawatamies.
For carrying into effect the treaty with the Ottawas and Chippewas, forty-three thousand seven hundred and four dollars and twenty-four cents;	Treaty with Ottawas and Chippewas.
For the removal of the Choctaws from Mississippi, nineteen thousand nine hundred and ten dollars;	Removal of Choctaws.
For the removal and subsistence of Indians, seventy-seven thousand eight hundred and fifty-five dollars and seventy cents.	Removal and subsistence of Indians.
For carrying into effect the treaty with the Miami Indians of the sixth of November, eighteen hundred and thirty-eight, viz:	Treaty with the Miamies.
For the payment to be made upon the ratification of the treaty by a provision contained in the third article of the same, sixty thousand dollars;	Payment upon ratification.

- First annual instalment. For the first of ten annual instalments stipulated to be paid by the same article, twelve thousand five hundred and sixty-eight dollars;
- Payment of claims. For the payment of claims provided for in the fourth and fifth articles, one hundred and fifty thousand dollars;
- Valuing buildings, &c. For the expenses of valuing buildings and improvements upon the ceded lands, and for the erection of others, as stipulated by the seventh article, three thousand three hundred dollars;
- Surveying and marking boundary lines. For the expenses of surveying and marking the boundary lines of the Miami lands in the State of Indiana, as stipulated by the ninth article, two hundred dollars;
- Examination of claims. For the expenses attending the examination of claims which have accrued since the twenty-third day of October, eighteen hundred and thirty-four, two thousand five hundred dollars;
- Claims under treaty of 10th Nov. 1837. For the expenses of the commission to examine claims under the treaty with the Miamies of the tenth day of November, eighteen hundred and thirty-seven, not covered by the former appropriation for that object, two thousand dollars;
- Corn crop abandoned by Pottawatamies. For the payment to the Pottawatamies of Indiana for the corn crop abandoned by them upon their emigration west of the Mississippi, which was appraised by agents appointed by the Government, seven hundred and forty-two dollars and fifty cents;
- Log houses of Pottawatamies. For the payment to the same Indians of the value of twelve log houses, appraised in the same manner, and destroyed before their removal, six hundred dollars;
- Removal, &c. of Pottawat's. For the expenses of the removal and subsistence of these Indians, fifty thousand dollars;
- Fencing, &c. for the Omahas. For the expense of fencing and breaking up ground for tillage for the Omaha Indians, as stipulated by the third article of the treaty with them of eighteen hundred and thirty-six, in addition to the sum of twelve hundred dollars appropriated in the year eighteen hundred and thirty-seven, eight hundred dollars;
- Farmer for the Omahas. For the salary of the farmer to be supported among the said Indians, as stipulated by the same article of the same treaty, eight hundred dollars;
- Claims under the treaty with the Sacs and Foxes of Mississippi. For the balance of the expenses incurred by the commission for the examination of claims under the second article of the treaty with the Sacs and Fox Indians of Mississippi, of October eighteen hundred and thirty-seven, over and above the former appropriation for that object, one thousand five hundred dollars;
- A miller for the Sacs and Foxes of Mississippi. For the support of a miller for the Sacs and Fox Indians of Mississippi, as stipulated by the third article of the treaty of September eighteen hundred and thirty-six, six hundred dollars;
- Procuring rations. For the expenses of procuring rations for these Indians for one year, as stipulated by the third article of the same treaty, over and above the provision heretofore made for that object, fourteen thousand six hundred and fifty-seven dollars and thirty-seven cents;
- Examination of claims, &c. For the balance of the expenses incurred in examining claims under the second article of the treaty of September eighteen hundred and thirty-seven, with the Sioux Indians, by the commission appointed for that purpose, over and above the former appropriation for that object, five hundred dollars;
- Commissioner and clerk to re-examine claims. For compensation to a commissioner and clerk to be appointed to re-examine the claims under the last mentioned treaty, the re-examination to be made in the Indian country, five thousand five hundred dollars;
- Frauds in Creek reservations. For the payment of the expenses of the investigation into frauds practised in the reservations of the Creek Indians for the year eighteen hundred and thirty-nine, five thousand dollars;
- Removal and subsistence of Creeks. For the payment of the expenses of the removal and subsistence of the Creek Indians, to be applied in payment of claims settled by the

accounting officers, and to reimburse to other appropriations funds used for the removal and subsistence of these Indians, including outstanding claims not yet settled, eighty-five thousand dollars;

For carrying into effect the treaty with the Creek Indians of the twenty-third day of November, eighteen hundred and thirty-eight, viz :

To make the payment in stock animals, stipulated to be made by the second article of the said treaty, fifty thousand dollars;

To pay the interest at five per cent. for one year, upon the sum of three hundred and fifty thousand dollars, pursuant to the stipulations of the third article of the said treaty, seventeen thousand five hundred dollars;

To pay the claims of the McIntosh party, pursuant to the stipulations in the fifth article of the said treaty, twenty-one thousand one hundred and three dollars and thirty-three cents;

To purchase stock animals for the Creeks removed as hostiles, as stipulated by the sixth article of the treaty, ten thousand dollars;

To meet the expenses of the purchase and distribution of the stock animals, according to the requirements of the second and sixth articles, three thousand dollars;

For the payment to the Cherokee Indians of the value of the improvements upon the Missionary reservations, pursuant to a stipulation in the fourth article of the treaty of December eighteen hundred and thirty-five, in addition to the former appropriation for that object, fifteen thousand one hundred and eleven dollars and seventy-five cents;

For compensation to the commissioners under the above treaty, in addition to the appropriations of eighteen hundred and thirty-six and eighteen hundred and thirty-eight for that object, eight thousand dollars; to be applied only to the payment of expenses incurred prior to the twenty-third day of May, eighteen hundred and thirty-eight;

For carrying into effect the treaty of the seventh day of February eighteen hundred and thirty-nine, with the Chippewas of Saganaw, viz :

For the payment of the purchase money of forty acres of land ceded by the first article of the treaty, three hundred and twenty dollars;

For the expenses incurred in the negotiation of the treaty, one hundred and twenty-five dollars;

For carrying into effect the treaty with the Great and Little Osages of the eleventh day of January eighteen hundred and thirty-nine, viz :

For the payment of the annuity stipulated in the second article, twenty thousand dollars;

For the support of two blacksmith establishments, building a grist and saw mill, pay of attendants and assistants, tools for the mills, and the erection of mill-houses, seven thousand eight hundred dollars;

For furnishing cows, calves, hogs, ploughs, harnesses, axes, and hoes, as stipulated by the treaty, seven thousand three hundred dollars;

For the erection of houses for chiefs, and furnishing wagons, carts, oxen, and chains, as stipulated by the treaty, six thousand nine hundred and eighty dollars;

For the payment of claims for depredations, thirty thousand dollars;

For the expenses of a commissioner to examine and settle those claims, two thousand five hundred dollars;

For the payment of the purchase money for reservations, forty-three thousand five hundred and twenty dollars;

For the reimbursement of the annuity deducted in the year eighteen hundred and twenty-five, three thousand dollars;

For the reimbursement to the Clermont band of the annuity deducted in the year eighteen hundred and twenty-nine, three thousand dollars;

For the payment to the Iowa Indians of the interest at five per cent. for one year, upon the sum of one hundred and fifty-seven thousand five

Treaty with the Creeks.

Payment in stock animals.

Interest.

Claims of the M'Intosh party.

Stock animals for hostile Creeks.

Purchase and distribution of stock animals.

Payment to Cherokees.

Compensation to commiss'rs.

Treaty with the Chippewas of Saganaw.

Payment for land.

Expenses of treaty.

Treaty with the Great and Little Osages.

Payment of annuity.

Blacksmith establishments, grist-mill, &c.

Cows, &c.

Erection of houses, &c.

Claims for depredations.

Commissioner to examine and settle claims.

Payment for reservations.

Reimbursement of an annuity.

Reimbursement to the Clermont band of an annuity.

Interest to be paid to the Iowas.

Houses for Iowa chiefs.

Surveys under treaty with Delawares—locating Miamis and Winnebagoes. Purchase of a reservation to Wa-pan-seh.

Expenses of treaty with Stockbridge Indians. Vaccination of Indians.

Expenses of delegations from the Stockbridge, Munsee, and Seneca Indians.

Making maps showing the position of lands of Indians at amity with U.S. Boundaries between Indian tribes west of the Mississippi. 2d section act 28th May, 1830, ch. 148, repealed.

STATUTE III.  
March 3, 1839.

[Obsolete.]

For the further survey, &c. of the Neenah and Wisconsin.

Appropriations for roads.

From Fond du Lac to Wisconsin river.

Appropriation by act 7th July, 1838, ch. 190, for a railroad,

hundred dollars, seven thousand eight hundred and seventy-five dollars;

For building ten houses for the Ioway chiefs as per stipulation of the treaty, two thousand dollars;

For the completion of the surveys under the treaty with the Delaware Indians, and for the expenses of locating the Miamis and Winnebagoes, two thousand dollars;

To enable the Executive to purchase from Wa-pan-seh, a Pottawatomie, five sections of land reserved for him by the second article of the treaty of the twentieth of October, eighteen hundred and thirty-two, four thousand dollars;

For defraying the expenses of holding a treaty, under the direction of the Secretary of War, with the Stockbridge Indians, two thousand dollars;

For the employment of physicians to vaccinate the Indians, to be expended under the direction of the Secretary of War, five thousand dollars;

For paying the travelling expenses and board while detained in the city of Washington, of the delegations of the Stockbridge, Munsee, and Seneca tribes of Indians, in proportion to the distance they have travelled or may travel in returning to their respective tribes, a sum not exceeding two thousand dollars;

To enable the Secretary of War to have executed under his direction twelve maps for the use of the War Department and of the Senate, showing the position of the lands of each Indian tribe in amity with the United States, one thousand dollars;

For defraying the expenses of surveying and marking the boundaries between the Indian tribes west of the Mississippi, ten thousand dollars.

SEC. 2. *And be it further enacted*, That the second section of an act passed the twenty-eighth day of May, eighteen hundred and thirty, entitled "An act to provide for an exchange of lands with the Indian tribes residing within any of the States or Territories, and for their removal west of the river Mississippi," be, and the same is hereby, repealed.

APPROVED, March 3, 1839.

CHAP. LXXII.—*An Act to authorize the construction of certain improvements in the Territory of Wisconsin 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 the further survey and estimate of the cost of improving the navigation of the Neenah and Wisconsin rivers and connecting the same by a navigable canal or water communication, two thousand dollars be, and the same are hereby appropriated; and that the following sums of money be, and the same are hereby, appropriated for the construction of roads in the Territory of Wisconsin, to wit:

For the construction of a road from Racine, by Janesville, to Sinipee, on the Mississippi, ten thousand dollars;

For the survey and construction of a road from Sauk harbor, on Lake Michigan, to Dekorree, on the Wisconsin river, five thousand dollars;

For the construction of a road from Fond du Lac, on lake Winnebago, by Fox lake, to the Wisconsin river, five thousand dollars.

SEC. 2. *And be it further enacted*, That the sum of two thousand dollars, appropriated by the act of the seventh of July, eighteen hundred and thirty-eight, entitled "An act making appropriations for certain roads in the Territory of Wisconsin" for a railroad, shall be applied by

the Secretary of War to the survey of the most eligible route for a railroad from the town of Milwaukee, on lake Michigan, to such point on the Mississippi river as may be deemed most expedient.

APPROVED, March 3, 1839.

to be applied to the survey for a railroad from Milwaukee to the Mississippi.

CHAP. LXXIII.—*An Act to repeal the second section of "An act to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second section of "An act to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight, be, and the same is hereby repealed.

APPROVED, March 3, 1839.

STATUTE III.  
March 3, 1839.

Second section act 7th July, 1838, ch. 166, repealed.

CHAP. LXXIV.—*An Act for the relief of umbrella-makers.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be refunded, out of the Treasury, to such umbrella-makers as have imported umbrella-stretchers since the passage of the act entitled "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, A. D. eighteen hundred and thirty-two, all excess of duty, beyond what such importers would have been required to pay, if the provisoes contained in the tenth and twelfth clauses of the second section of said act had at all times since its passage been suspended in their operation in the same manner as they were suspended by the act of the second of March, A. D. eighteen hundred and thirty-three, entitled "An act to explain and amend the several acts imposing duties on imports, passed the fourteenth of July, one thousand eight hundred and thirty-two, so far as relates to hardware and certain manufactures of copper and brass and other articles," and by other subsequent acts of like character.

APPROVED, March 3, 1839.

STATUTE III.  
March 3, 1839.

[Obsolete.]  
All excess of duty beyond what would have been required if the provisoes of 10th and 12th clauses of 2d sec. act 14th July, 1832, ch. 227, had at all times been suspended in their operation, as they were by act 2d March, 1833, ch. 62, refunded, &c.

CHAP. LXXV. — *An Act to authorize the Secretary of the Navy to purchase a tract of land belonging to the heirs of John Harris, deceased, being within the limits of the navy yard in Charlestown, Massachusetts.* (b)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be and he hereby is authorized and required to purchase certain lands situated within the limits of the navy yard in Charlestown, in the

STATUTE III.  
March 3, 1839.  
[Obsolete.]

Sec. Navy to purchase certain lands in Charlestown.

(a) See notes of the acts which have been passed relating to Virginia military land warrants, vol. 1, 461, vol. 3, 612.

(b) Certain streets were laid out by the town of Charlestown, Massachusetts; and the proceedings relative to the same were afterwards confirmed by an act of the Legislature. The streets passed over the land of John Harris; and he afterwards received a compensation from the town for taking the land occupied by the streets. In 1800, the United States, under the authority of an act of the Legislature of Massachusetts, purchased of Mr. Harris several parcels of land, now occupied as a navy yard. And in 1801, by an arrangement between the town of Charlestown and the United States, the streets, so far as they were within the limits of the navy yard, were closed up, and have ever since been discontinued, and have been used as a part of the navy yard. The agent of the United States and Mr. Harris, not agreeing as to the value of the land taken for the navy yard, the value was ascertained and determined by a jury proceeding under a law authorizing the same, and the amount of the valuation paid to Mr. Harris by the United States. The jury did not appraise the land on which the streets were laid out. One lot of ground was appraised "with the appurtenances." This action was instituted by the heirs of Mr. Harris claiming to be paid the value of the land on which the streets had been laid out, but which had been discontinued. The defendant was the commandant of the navy yard.

By the Court. The term "appurtenances," in common parlance, and in legal acceptance, is used to signify something appertaining to another thing as principal, and which passes as incident to the principal

State of Massachusetts, said land being the property of the heirs of John Harris, late of said Charlestown, deceased.

Appraisers to be selected.

SEC. 2. *And be it further enacted*, That the price and value of said land may be fairly and justly estimated, the Secretary of the Navy is hereby authorized to agree with said heirs in selecting and choosing three disinterested, discreet, suitable men, who, after being sworn, and having fully examined said land, shall estimate and appraise the same: *Provided*, It can be purchased for a reasonable sum.

Proviso.

Good and sufficient deed to be given to the United States.

SEC. 3. *And be it further enacted*, That, when the appraisal shall be made known to the Secretary aforesaid, and a good and sufficient deed of the same land shall be tendered or given to the United States by the said heirs, then the Secretary of the Navy shall pay said heirs the amount of said appraisal, being the consideration for the premises, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

CHAP. LXXXVI.—*An Act making appropriations for building a pier at the northern extremity of Winnebago lake, and for other purposes.*

Appropriations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the security of the navigation of the commerce of the United States, the following sums be, and the same hereby are, appropriated to be paid out of any money in the Treasury not otherwise appropriated, and to be applied to the following objects:

Pier at northern extremity of Winnebago lake.

For building a pier at the northern extremity of Winnebago lake, in the Territory of Wisconsin, the sum of five hundred dollars;

Buoys at the mouth of Neenah river.

For placing buoys at the mouth of Neenah river, at the head of Green bay, in said Territory, to mark the channel thereof, the sum of five hundred dollars.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. LXXXVII.—*An Act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.*

Grant of land to Iowa for the erection of public buildings.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the register of the land office in the district in which the land is situated within one year from the passing of this act: *And provided, further*, That nothing herein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right to pre-emption recognized by law, shall be prejudiced thereby.

Proviso.

Further proviso.

Lands reserved, &c.

SEC. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sec-

thing. Land cannot be appurtenant to land. The soil and freehold of the streets did not pass to the United States, under and by virtue of the term "appurtenances."

The right of the plaintiffs to the freehold of the streets is not barred by the first section of the act of the Legislature of Massachusetts of 30th October, 1781.

The law in Massachusetts is well settled, that where a mere easement is taken for a public highway, the soil and freehold remain in the owner of the land, encumbered only with the easement; and that upon the discontinuance of the highway, the soil and freehold revert to the owner of the land. *Harris and others v. Elliott*, 10 Peters, 25.

tions thereto have not been made subject to public sale, or being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the public buildings, from selling and disposing of the residue of said section in lots or otherwise, for the use of said Territory, in the erection and completion of said buildings.

1842, ch. 110.

Iowa may dispose of such part of said land as is more than sufficient, &c.

APPROVED, March 3, 1839.

CHAP. LXXVIII.—*An Act for the improvement and survey of certain rivers, and the repair of certain roads in Florida.*

STATUTE III.  
March 3, 1839.

[Obsolete.]

*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 be paid out of any money in the Treasury, not otherwise appropriated, for the purposes herein specified, that is to say,

For the removal of obstructions at the mouth of the Suwannee river, and for the survey of the said river, with a view to its improvement, fifteen thousand dollars;

For the survey of Yellow river, Florida, to ascertain the practicability and cost of removing the rafts which obstruct its navigability, five hundred dollars;

For the repair, including the alteration if necessary, of the road from Jacksonville, by the way of Garey's ferry, to Newmansville, Florida, five thousand dollars;

For the construction of a road from Jacksonville to St. Mary's, Florida, in part or in whole upon the route of the existing road, as may be found expedient, seven thousand five hundred dollars; all which sums shall be expended under the direction of the Secretary of War.

APPROVED, March 3, 1839.

Removal of obstructions and survey of Suwannee riv.  
Survey of Yellow river.

Repair of road from Jacksonville, by Garey's ferry.  
Road from Jacksonville to St. Mary's.

CHAP. LXXIX. — *An Act granting to the judges of the supreme court of Iowa the same compensation as by law is given to the judges of the supreme court of Wisconsin.*

STATUTE III.  
March 3, 1839.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the commencement of the next quarter, after the passage of this act, the judges of the supreme court of the Territory of Iowa shall receive the same salary as is now received by the judges of the Territory of Wisconsin.

APPROVED, March 3, 1839.

Act of April 20, 1836, ch. 54, sec. 11.

STATUTE III.  
March 3, 1839.

CHAP. LXXX. — *An Act to provide for taking the sixth census or enumeration of the inhabitants of the United States. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the marshals of the several districts of the United States, and of the District of Columbia, and of the Territories of Wisconsin, Iowa, and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories (omitting, in

Act of Feb. 26, 1840, ch. 3.  
Act of Jan. 14, 1841, ch. 3.  
Act of Sept. 1, 1841, ch. 15.  
Resolution of Sept. 1, 1841.  
Resolution of April 14, 1842.  
Number of inhabitants to be taken, &c.

(a) Notes of acts providing for the enumeration of the inhabitants of the United States, vol. 1, 101.



Whites.  
Age and sex.

Deaf and dumb.

Blind.

Insane and idiots.  
Colored.

Age and sex of free and slaves.

Deaf and dumb.  
Blind.  
Insane and idiots.  
Marshals may appoint assistants.

Enumeration to be made by actual inquiry.

Marshals and assistants to take an oath, &c.

Form of marshal's oath.

Form of assistants' oath.

such enumeration, Indians not taxed) to be taken according to the directions of the act. The said enumeration shall distinguish the sexes of all free white persons, and ages of the free white males and females, respectively, under five years of age; those of five and under ten years of age; those of ten years and under fifteen; those of fifteen and under twenty; those of twenty and under thirty; those of thirty and under forty; those of forty and under fifty; those of fifty and under sixty; those of sixty and under seventy; those of seventy and under eighty; those of eighty and under ninety; those of ninety and under one hundred; those of one hundred and upwards: and shall further distinguish the number of those free white persons included in such enumeration who are deaf and dumb, under the age of fourteen years; and those of the age of fourteen years and under twenty-five; and of the age of twenty-five and upwards; and shall further distinguish the number of those free white persons included in such enumeration who are blind: and also in like manner of those who are insane, or idiots, distinguishing further such of the insane and idiots as are a public charge. The said enumeration shall distinguish the sexes of all free colored persons, and of all other colored persons bound to service for life or for a term of years and the ages of such free and other colored persons, respectively, of each sex, under ten years of age; those of ten and under twenty-four; those of twenty-four and under thirty-six; those of thirty-six and under fifty-five; those of fifty-five and under one hundred; and those of one hundred and upwards: and shall further distinguish the number of those free colored and other colored persons included in the foregoing who are deaf and dumb, without regard to age, and those who are blind and also in like manner of those who are insane or idiots, distinguishing further such of the insane and idiots as are a public charge. For effecting which the marshals aforesaid shall have power, and are hereby required, to appoint one or more assistants in each city and county in their respective districts and territories, residents of such city or county for which they shall be appointed: and shall assign to each of the said assistants a certain division of territory; which division shall not consist, in any case, of more than one county, but may include one or more towns, townships, wards, hundreds, precincts, or parishes, and shall be plainly and distinctly bounded. The said enumeration shall be made by an actual inquiry by such marshals or assistants, at every dwelling house, or by personal inquiry of the head of every family. The marshals and their assistants shall, respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation before some judge or justice of the peace resident within their respective districts or territories, for the faithful performance of their duties. The oath or affirmation of the marshal shall be as follows: "I, A B, marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will truly and faithfully cause to be made a full and perfect enumeration and description of all persons resident within my district, (or territory,) and return the same to the Secretary of State, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be as follows: "I, A B, appointed an assistant to the marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will make a just, faithful, and perfect enumeration and description of all persons resident within the division assigned to me for that purpose by the marshal of the district (or territory) of ———, and make due return thereof to the said marshal, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my

ability, and that I will take the said enumeration and description by actual inquiry at every dwelling house within said division, or personal inquiry of the head of every family, and not otherwise." The enumeration shall commence on the first day in June, in the year one thousand eight hundred and forty, and shall be completed and closed within ten calendar months thereafter. The several assistants shall, within nine months, and on or before the first day of October, one thousand eight hundred and forty, deliver to the marshals by whom they shall be appointed, respectively, two copies of the accurate returns of all persons, except Indians not taxed, to be enumerated as aforesaid, within their respective divisions; which returns shall be made in a schedule, and which shall distinguish, in each county, city, town, township, ward, precinct, hundred, district, or parish, according to the civil divisions of the States or Territories, respectively, the several families, by the name of the head thereof.

Enumeration,  
when to com-  
mence.

Form of re-  
turn.

SEC. 2. *And be it further enacted*, That every assistant failing, or neglecting to make a proper return, or making a false return of the enumeration to the marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section hereof.

Penalty.

SEC. 3. *And be it further enacted*, That the marshals shall file one copy of each of the several returns aforesaid, and, also, an attested copy of the aggregate amount hereinafter directed, to be transmitted by them, respectively, to the Secretary of State, with the clerks of their respective districts or superior courts, as the case may be, who are hereby directed to receive, and carefully to preserve, the same; and the marshals, respectively, shall, on or before the first day of December, in the year one thousand eight hundred and forty, transmit to the Secretary of State one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons within their respective districts or territories; and every marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective courts, as aforesaid, or failing to return one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars; which forfeiture shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or within the circuit courts held within the same, by action of debt, information, or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use; and, for the more effectual discovery of such offences, the judges of the several district courts in the several districts, and of the supreme courts in the territories of the United States, as aforesaid, at their next session to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount, to be laid before them for their inspection. And the respective clerks of the said courts shall, within thirty days after the said original returns shall have been laid before the grand juries aforesaid, transmit and deliver all such original returns, so filed, to the department of State.

Marshals to  
file one copy of  
returns, &c.

Forfeit for  
neglect.  
Where recov-  
erable.

The judges  
shall give this  
act in charge to  
grand juries,  
&c.

Clerks to  
transmit to the  
Dep't of State.

SEC. 4. *And be it further enacted*, That every assistant shall receive at the rate of two dollars for every hundred persons by him returned, where such persons reside in the country; and where such persons re-

Compensation  
of assistants.

side in a city or town containing more than three thousand persons, such assistant shall receive at the same rate for three thousand, and at the rate of two dollars for every three hundred persons over three thousand, residing in such city or town; but where, from the dispersed situation of the inhabitants in some divisions, two dollars will not be sufficient for one hundred persons, the marshals, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation: *Provided*, The same does not exceed two dollars and fifty cents, for every fifty persons by them returned: *Provided, further*, That before any assistant as aforesaid, shall, in any case, be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some judge or justice of the peace, authorized to administer the same, to wit: "I, A B, do solemnly swear (or affirm) that the number of persons set forth in the return made by me, agreeably to the provision of the act entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' have been ascertained by an actual inquiry at every dwelling-house, or a personal inquiry of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act, to the best of my abilities; and that the return aforesaid is correct and true, according to the best of my knowledge and belief."

Proviso.

Further proviso.

Form of oath.

Compensation to marshals.  
Maine.  
N.Hampshire.

The compensation of the several marshals shall be as follows:

The marshal of the district of Maine, four hundred dollars;

The marshal of the district of New Hampshire, four hundred dollars;

Massachus'ts.

The marshal of the district of Massachusetts, four hundred and fifty dollars;

Rhode Island.

The marshal of the district of Rhode Island, two hundred and fifty dollars;

Vermont.

The marshal of the district of Vermont, four hundred dollars;

Connecticut.

The marshal of the district of Connecticut, three hundred and fifty dollars;

New York,  
Southern dist.

The marshal of the southern district of New York, four hundred and fifty dollars;

New York,  
Northern dist.

The marshal of the northern district of New York, four hundred and fifty dollars;

New Jersey.

The marshal of the district of New Jersey, three hundred and fifty dollars;

Pennsylvania,  
Eastern dist.

The marshal of the eastern district of Pennsylvania, four hundred dollars;

Pennsylvania,  
Western dist.

The marshal of the western district of Pennsylvania, four hundred dollars;

Delaware.

The marshal of the district of Delaware, two hundred and twenty-five dollars;

Maryland.

The marshal of the district of Maryland, four hundred and fifty dollars;

Virginia, East-  
ern district.

The marshal of the eastern district of Virginia, four hundred dollars;

Virginia,  
Western dist.  
Kentucky.

The marshal of the western district of Virginia, four hundred dollars;

The marshal of the district of Kentucky, four hundred and fifty dollars;

N. Carolina.

The marshal of the district of North Carolina, four hundred and fifty dollars;

S. Carolina.

The marshal of the district of South Carolina, four hundred and fifty dollars;

Georgia.

The marshal of the district of Georgia, four hundred and fifty dollars;

E. Tennessee.

The marshal of the district of East Tennessee, two hundred dollars;

The marshal of the district of West Tennessee, two hundred dollars;	W. Tennessee
The marshal of the middle district of Tennessee, two hundred dollars;	Tennessee Middle dist.
The marshal of the district of Ohio, five hundred dollars;	Ohio.
The marshal of the district of Indiana, four hundred and fifty dollars;	Indiana.
The marshal of the district of Illinois, three hundred dollars;	Illinois.
The marshal of the northern district of Mississippi, two hundred dollars;	Mississippi, Northern dist.
The marshal of the southern district of Mississippi, two hundred dollars;	Mississippi, Southern dist.
The marshals of the districts of Louisiana, two hundred dollars each;	Louisiana.
The marshal of the northern district of Alabama, two hundred dollars;	Alabama, Northern dist.
The marshal of the southern district of Alabama, two hundred dollars;	Alabama, Southern dist.
The marshal of the District of Columbia, one hundred and fifty dollars;	District of Co- lumbia.
The marshal of the district of Michigan, two hundred and fifty dollars;	Michigan.
The marshal of the district of Arkansas, two hundred and fifty dollars;	Arkansas.
The marshals of the Territory of Florida, respectively, fifty dollars;	Florida.
The marshals of the Territory of Wisconsin, two hundred and fifty dollars;	Wisconsin.
The marshals of the Territory of Iowa, two hundred and fifty dollars.	Iowa.
SEC. 5. <i>And be it further enacted</i> , That every person whose usual place of abode shall be in any family on the said first day of June, one thousand eight hundred and forty, shall be returned as of such family; and the name of every person who shall be an inhabitant of any district or Territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families in the division where he or she shall be on the said first day of January, and every person occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States.	Returning transient per- sons.
SEC. 6. <i>And be it further enacted</i> , That each and every free person more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district, or Territory, made or established within the United States, shall be, and hereby is, obliged to render to the assistant of the division, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in any action of debt, by such assistant; the one half to his own use, and the other half to the use of the United States.	Information to be given, under penalty.
SEC. 7. <i>And be it further enacted</i> , That each and every assistant, previous to making his return to the marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive five dollars: <i>Provided</i> , Proof of the schedule having been set up shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act.	How recover- able, &c.
SEC. 8. <i>And be it further enacted</i> , That the Secretary of State shall be, and hereby is, authorized and required to transmit to the marshals of the several districts and Territories, regulations and instructions,	Assistants to set up a correct copy of sche- dule, &c.
	Proviso.
	Sec. of State to transmit in- structions, &c. to marshals.

pursuant to this act, for carrying the same into effect; and, also, the forms contained therein of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories to be administered by the several persons to be employed in taking the enumeration.

Where a county is in two districts, &c.

SEC. 9. *And be it further enacted*, That, in those States composing two districts, where a part of a county may be in each district, such county shall be considered as belonging to that district in which the court-house of said county may be situate.

Further compensation.

SEC. 10. *And be it further enacted*, That, in all cases where the superficial content of any county or parish shall exceed twenty miles square, and the number of inhabitants in said parish or county shall not exceed three thousand, the marshals or assistants shall be allowed, with the approbation of the judges of the respective districts or territories such further compensation as shall be deemed reasonable: *Provided*, The same does not exceed four dollars for every fifty persons by them returned; and when any such county or parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance shall be made, not to exceed six dollars for every fifty persons so returned.

Proviso.

Aggregate to be printed.

SEC. 11. *And be it further enacted*, That when the aforesaid enumeration shall be completed and returned to the office of the Secretary of State by the marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, ten thousand copies of the aggregate returns received from the marshals: *And provided*, That if any marshal, in any district within the United States or Territories, shall, directly or indirectly, ask, demand, or receive, or contract to receive, of any assistants to be appointed by him under this act, any fee, reward, or compensation, for the appointment of such assistant to discharge the duties required of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said marshal shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars for each offence, to be recovered by suit or indictment in any circuit or district court of the United States or the Territories thereof, one half to the use of the Government, and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money or property paid, may be recovered back by the party paying the same, in any court having jurisdiction of the same.

Proviso.

Penalty.

Marshals to be allowed the postage incurred, &c.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to the marshals of the several States, Territories, and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

A census of pensioners to be taken, &c.

SEC. 13. *And be it further enacted*, That the aforesaid marshals and their assistants shall also take a census of all persons receiving pensions from the United States for revolutionary or military services, stating their names and ages: and also shall collect and return in statistical tables, under proper heads, according to such forms as shall be furnished, all such information in relation to mines, agriculture, commerce, manufactures, and schools, as will exhibit a full view of the pursuits, industry, education and resources of the country, as shall be directed by the President of the United States. And it shall be the duty of the Secretary of State, under the direction of the President, to prepare such forms, regulations, and instructions, as shall be necessary and proper to comply with the provisions of this act.

Forms, &c. to be prepared by Sec. of State.

Appropriation.

SEC. 14. *And be it further enacted*, That the sum of twenty thou-

sand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

APPROVED, March 3, 1839.

CHAP. LXXXI.—*An Act to amend the act of the third of March, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,' and for other purposes."*

*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 district judge of Missouri to attend at St. Louis, on the first Monday of October annually, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings returned to the circuit court, or depending therein, preparatory to the hearing, trial, or decision of such action. suit, appeal, writ of error, process, pleadings, or proceedings; and all writs and process may be returnable to the said courts on the first Monday of October, in the same manner as to the sessions of the circuit courts directed to be held by the said act of third March, eighteen hundred and thirty-seven; and the said writs returnable to the circuit courts may also bear teste on the said first Monday of October, as though a session of said court was holden on that day. (a)

SEC. 2. *And be it further enacted,* That the district court of the United States for the district of East Tennessee shall, hereafter, be holden on the third Monday of October in each year, instead of the second Monday of October, as now prescribed by law; and that the district court of the Middle District of Tennessee shall be holden on the first Mondays of March and September, in each year; and all causes and processes shall be continued over, and be returnable to, the respective terms of said courts as hereby established; and said courts shall be holden at the places now prescribed by law, and exercise all the powers and jurisdiction they now enjoy. (b)

SEC. 3. *And be it further enacted,* That from and after the first day of June next the circuit court of the United States for the southern district of Alabama shall commence its terms on the second Monday of March and the fourth Monday of November, in each and every year; and the circuit court for the eastern district of Louisiana shall commence its terms on the first Monday of April and the third Monday of December in each and every year; and all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried and proceeded with by said court, at the times herein fixed, in the same manner as if no change in the times of holding said courts had taken place.

SEC. 4. *And be it further enacted,* That the circuit and district courts of the United States for the district of Michigan, shall be held at Detroit, on the second Monday of October, instead of the first Monday in November, as heretofore established; and that all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

SEC. 5. *And be it further enacted,* That the district court of the United States for the district of Arkansas, shall be held at Little Rock on the first Monday of October, instead of the first Monday in November

STATUTE III.

March 3, 1839.

Act of March 3, 1837, ch. 34.

District judge for Missouri shall attend at St. Louis, &c.

District court for East Tennessee.

District court for Middle dist. Tennessee. All causes, &c. continued over, &c.

Circuit court for Southern dist. Alabama.

Circuit court for Eastern dist. Louisiana.

Writs, pleas, &c. how to be proceeded in.

Circuit and district courts for Michigan.

Writs, pleas, &c. how to be proceeded in.

District court for Arkansas.

(a) See notes to act of April 29, 1824, chap. 45, vol. 4, for a reference to the acts passed relating to the district court of Missouri.

(b) Act of July 4, 1840, chap. 42, sec. 3; act of April 14, 1842, chap. 20; act of May 18, 1842, chap. 30; act of March 3, 1843, chap. 74.

annually as heretofore established; and that all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

Circuit court  
for Southern  
district of New  
York.

SEC. 6. *And be it further enacted*, That the circuit court of the United States for the southern district of New York, shall hereafter be held on the last Monday in November instead of the last Monday in October, the time heretofore established by law; that all indictments, informations, suits or actions, and proceedings of every kind, whether of a civil or criminal nature, depending in the said court, on the first day of October next, shall thereafter have day in court, and be proceeded in, heard, tried, and determined, at the time herein appointed for holding the said court, in the same manner as they might and ought to have been done had the said court been holden at the time heretofore directed by law.

Writs, suits,  
&c. returnable  
to, &c.

SEC. 7. *And be it further enacted*, That all writs, suits, actions or recognizances, or other proceedings which are or shall be, instituted, served, commenced, or taken to the said Circuit Court to have been holden as heretofore directed by law, shall be returnable to, entered in, heard, tried, and have day in court, to be holden at the time by this act directed, in the same manner as might and ought to have been done had the said court been holden at the time heretofore directed by law.

Clerk district  
court of South-  
ern dist. N. Y.  
to transmit cer-  
tified copy of  
dockets, &c.  
1840, ch. 43, § 4.

SEC. 8. *And be it further enacted*, That it shall be the duty of the clerk of the district court of the southern district of New York, within six months after the passage of this act, to transmit a certified copy of the dockets of all judgments rendered in that court, or in the circuit court of the United States for that district, since the fourth day of March, eighteen hundred and twenty-nine, to the clerk of the supreme court of said state, in the city of New York; and on the tenth and twenty-fifth days of each month thereafter, to transmit a like certificate of all dockets of judgments as may have been rendered in either of said courts since the last certificate was transmitted.

Clerk North-  
ern dist. N. Y.  
to transmit, &c.  
1840, ch. 43, § 4.

SEC. 9. *And be it further enacted*, That it shall be the duty of the clerk of the northern district of said State within six months after the passage of this act to transmit a certified copy of all judgments rendered and docketed in that court, either as a district court, or as a circuit court, and of all judgments in the circuit court of the United States for that district, docketed since the fourth day of March, eighteen hundred and twenty-nine, to the clerk of the supreme court of said State at Utica; and on the tenth and twenty-fifth days of each month thereafter, to transmit a like certificate of all such dockets of judgments as may have been rendered in either of said courts since the last certificate was transmitted.

Judgments.  
1840, ch. 43, § 4.

SEC. 10. *And be it further enacted*, That every judgment which shall have been rendered either in the district or circuit courts aforesaid, previous to the passage of this act, shall, as against subsequent purchasers or incumbrances, cease to be a lien upon the real estate or chattels real of the person or persons against whom such judgments may have been rendered respectively, at the expiration of five years from the passage of this act; and every judgment to be hereafter rendered in either of said courts, shall, as against subsequent purchasers or incumbrances, cease to be a lien upon the real estate or chattels real of any person or persons against whom such judgment shall be rendered at the expiration of ten years, from and after the day of docketing such judgments respectively.

APPROVED, March 3, 1839.

CHAP. LXXXII.—*An Act making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and thirty-nine.*

STATUTE III.  
March 3, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, viz:

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars;

President,  
Vice President,  
and heads of departments.

For salary of the Secretary to sign patents for public lands, per act of March second, eighteen hundred and thirty-three, one thousand five hundred dollars;

Secretary to  
sign patents for  
lands.

For clerks and messengers in the office of the Secretary of State, twenty thousand three hundred dollars;

Off. Sec. State.  
Clerks and  
messengers.  
Cont. exp. of  
department.  
Compiling and  
printing Biennial  
Register.  
Proviso.

For the contingent expenses of the Department of State, including publishing and distributing the laws, twenty-five thousand dollars;

For compiling and printing the Biennial Register, one thousand eight hundred dollars: *Provided*, That the printing of the said Biennial Register and the job printing, stationery and binding of each of the Executive Departments, shall be furnished by contract, proposals for which shall regularly be advertised for in the public prints. The classes, character, and description of the printing being specified in each advertisement, as far as that can be done, and it being made a condition in all cases, unless otherwise specifically stated in the advertisement, that the work shall be done in the city of Washington; and the contract shall in each case so far as the proposals and acceptance shall enable the contract to be made, to be given to the lowest bidder, whose bid shall be accompanied with the proper testimonials of the ability of the bidder to fulfil his contract;

For the superintendent and watchman of the northeast executive building, one thousand five hundred dollars;

Superint't and  
watchman N.E.  
Ex. building.  
Contingent ex-  
penses of said  
building.  
Office Sec.  
Treasury.  
Clerks and  
messengers.  
Clerks per act  
23d June 1836,  
ch. 115.

For contingent expenses of said building, including fuel, labor, oil and repairs, three thousand three hundred and fifty dollars;

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, sixteen thousand four hundred and fifty dollars;

First Comp-  
troller.

For compensation to the clerks in said office, per act of the twenty-third June, eighteen hundred and thirty-six, entitled, An act to regulate the deposits of the public money, three thousand six hundred dollars;

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars;

For compensation to the clerks and messengers in the office of the First Comptroller, nineteen thousand three hundred dollars;

Clerks and  
messengers.  
Second Comp-  
troller.  
Clerks and  
messenger.

For compensation to the Second Comptroller, three thousand dollars;

For compensation to the clerks and messenger in the office of the Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor, twelve thousand two hundred and fifty dollars;

For compensation to the First Auditor of the Treasury, three thousand dollars;

1st Auditor.

For compensation to the clerks and messenger in the office of the First Auditor, fifteen thousand nine hundred dollars;

Clerks and  
messenger.

For compensation to the Second Auditor of the Treasury, three thousand dollars;

2d Auditor.

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars;

Clerks and  
messenger.

For compensation to the Third Auditor, three thousand dollars;

3d Auditor.



Clerks and messenger.

Additional clerks under act 20th Jan. 1818, ch. 87.

Additional clerks under act 18th Jan. 1837, ch. 5.

4th Auditor.

Clerks and messenger.

Additional clerk under act 3d March 1837, ch. 38.

5th Auditor.  
Clerks and messenger.

Clerks according to act 7th July 1838.

Treasurer of United States.

Clerks and messenger.

Register of the Treasury.

Clerks and messengers.

Commissioner of General Land Office.

Act of July 4, 1836, ch. 352.

Other officers in the General Land Office.

Solicitor of the Treasury.

Clerks and messenger.

Contingent expenses of Treasury Dep't.

Office Sec. Treasury, copying, &c.

Translating, &c.

Stating and printing acc'ts.

Office 1st Comptroller.

Off. 2d Comptroller.

Off. 1st Auditor.

Off. 2d Auditor.

For compensation to the clerks and messengers in the office of the Third Auditor, twenty-seven thousand two hundred and fifty dollars;

For three additional clerks, under the act of the twentieth of April, eighteen hundred and eighteen, to enable the Third Auditor to execute the act of sixth April, eighteen hundred and thirty-eight, two thousand four hundred dollars;

For compensation to two additional clerks, employed under the act of the eighteenth January, one thousand eight hundred and thirty-seven, for the payment of horses and other property lost or destroyed, two thousand four hundred dollars;

For compensation to the Fourth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fourth Auditor, fifteen thousand nine hundred and fifty dollars;

For an additional clerk in the same, to carry into effect the act of the third of March, eighteen hundred and thirty-seven, for the more equitable administration of the pension fund, one thousand dollars;

For compensation to the Fifth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fifth Auditor, nine thousand eight hundred dollars;

For compensation of two clerks in the office of the Fifth Auditor, according to the act of the seventh of July, eighteen hundred and thirty-eight, two thousand dollars;

For compensation to the Treasurer of the United States, three thousand dollars;

For compensation to the clerks and messenger in the office of the Treasurer of the United States, one or more of which clerks may be employed in the other offices of the Treasury Department, ten thousand seven hundred and fifty dollars;

For compensation to the Register of the Treasury, three thousand dollars;

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars;

For compensation of the Commissioner of the General Land Office, per act of fourth July, eighteen hundred and thirty-six, three thousand dollars;

For compensation of the recorder, solicitor, draughtsman and assistant draughtsman, clerks, messengers, and packers in the office of the Commissioner of the General Land Office, one hundred and seven thousand eight hundred and fifty dollars;

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars;

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars;

For expenses of stationery, printing, and all other contingent expenses of the Treasury Department, viz:

For the office of the Secretary of the Treasury, including copying, and expenses incurred in consequence of the burning of the Treasury building, twelve thousand five hundred dollars;

For translating foreign languages, and for receiving and transmitting passports and sea-letters, in the office of the Secretary of the Treasury, three hundred dollars;

For stating and printing public accounts, one thousand four hundred dollars;

For the office of the First Comptroller, two thousand dollars;

For the office of the Second Comptroller, one thousand five hundred dollars;

For the office of the First Auditor, one thousand dollars;

For the office of the Second Auditor, one thousand dollars;

For the office of the Third Auditor, one thousand dollars ;	Off. 3d Auditor.
For the office of the Fourth Auditor, one thousand dollars ;	Off. 4th Audi- tor.
For the office of the Fifth Auditor, one thousand dollars ;	Off. 5th Audi- tor.
For the office of the Treasurer of the United States, one thousand five hundred dollars ;	Off. Treasurer.
For the office of the Register of the Treasury, three thousand dol- lars ;	Off. Register.
For the office of the Solicitor of the Treasury, one thousand dollars ;	Off. Solicitor.
For parchments, books, stationery, advertising, rent of an additional building, and contingent expenses of the General Land Office, and for books and blanks for the district land offices, nineteen thousand seven hundred and fifty-three dollars ;	General Land Office.
For compensation of superintendent and two watchmen for the ad- ditional building for the use of the General Land Office, one thousand and fifty dollars ;	Superint't and watchmen for the additional building.
For compensation of the superintendent and watchman of the south- east executive building, two thousand one hundred dollars ;	Superint't and watchman S. E. exec. building.
For contingent expenses of the building occupied by the Treasury, including fuel, oil, labor, repairs, furniture, and for rent, amounting to three thousand two hundred and fifty dollars per annum, twelve thou- sand dollars ;	Contingent ex- penses of build- ing occupied by the Treasury.
For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the Bounty Land Bureau, thirteen thousand three hundred dollars ;	Office Secre- tary of War. Clerks and messengers.
For contingent expenses of the office of the Secretary of War, three thousand dollars ;	Contingent expenses.
For books, maps, and plans for the War Department, one thousand dollars ;	Books, &c.
For compensation of extra clerks, when employed in said office, three thousand dollars ;	
For compensation of the Commissioner of Indian Affairs, three thou- sand dollars ;	Commissioner of Ind. affairs.
For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs, sixteen thousand four hundred dol- lars ;	Clerks and messenger.
For contingent expenses of said office, two thousand dollars ;	Contingent expenses.
For compensation of the Commissioner of Pensions, three thousand dollars ;	Commissioner of Pensions.
For compensation of clerks transferred from the office of the Secre- tary of War to the office of the Commissioner of Pensions, four thou- sand eight hundred dollars ;	Clerks trans- ferred from of- fice Sec. War.
For compensation to clerks and messengers for the office of the Com- missioner of Pensions, authorized by act of ninth May, eighteen hun- dred and thirty-six, thirteen thousand four hundred and fifty dollars ;	Clerks and messengers au- thorized by act 9th May 1836, ch. 60.
For contingent expenses of said office, three thousand dollars ;	Expenses.
For compensation to clerks and messenger in the office of the Pay- master General, seven thousand one hundred dollars ;	Off. Paymas- ter General.
For contingent expenses of said office, including two hundred dollars for arrearages, seven hundred dollars ;	Clerk and messenger.
For compensation of clerk and messenger in the office of the Com- manding General, one thousand five hundred dollars ;	Expenses.
For contingent expenses of said office, three hundred dollars ;	Off. Comm'dg General. Clerk and messenger.
For compensation to clerks and messenger in the office of the Adju- tant General, seven thousand six hundred and fifty dollars ;	Expenses.
For contingent expenses of said office, one thousand six hundred dollars ;	Off. Adj. Gen. Clerks and messenger.
For compensation of clerks and messenger in the office of the Quar- termaster General, seven thousand three hundred dollars ;	Expenses.
For contingent expenses of said office, one thousand dollars ;	Off. Q. M. Gen. Clerks and messenger.

- Off. Commissary General of Purchases. Clerks and messenger. Expenses.
- Off. Commissary General of Subsistence. Clerks and messenger. Expenses.
- Off. Chief Engineer. Clerks and messenger. Expenses.
- Off. Surg. Gen. Clerk and messenger. Expenses.
- Ordnance Office. Clerks and messenger. Expenses.
- Topographical Bureau. Clerks and messenger. Expenses.
- Superint't and watchmen N. W. executive building. Expenses of said building, &c.
- Off. Sec. Navy. Clerks and messengers. Expenses.
- Commiss'rs of Navy Board. Secretary.
- Clerks and messenger. Expenses.
- Superint't and watchman, S. W. executive building. Repairs. Expenses.
- Assistant Postmasters Gen'l. Act of July 2, 1836, ch. 270. Clerks and messengers.
- Topographer and additional clerks. Expenses.
- Watchmen.
- Auditor Post Office.
- For compensation of clerks and messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars;
- For contingent expenses of said office, eight hundred dollars;
- For compensation of clerks and messenger in the office of the Commissary General of Subsistence, four thousand three hundred dollars;
- For contingent expenses of said office, three thousand two hundred dollars;
- For compensation of clerks and messenger in the office of the Chief Engineer, five thousand six hundred and fifty dollars;
- For contingent expenses of said office, including one thousand dollars for expenses attending the removal of the office, fifteen hundred dollars;
- For compensation to clerk and messenger in the office of the Surgeon General, one thousand six hundred and fifty dollars;
- For contingent expenses of said office, five hundred dollars;
- For compensation of clerks and messenger in the Ordnance Office, eight thousand six hundred and fifty dollars;
- For contingent expenses of said office, one thousand dollars;
- For compensation of clerks and messenger in the Topographical Bureau, two thousand five hundred dollars;
- For contingent expenses of said bureau, one thousand two hundred and thirty-five dollars;
- For compensation of superintendent and watchmen of the northwest executive building, two thousand two hundred and fifty dollars;
- For contingent expenses of said building, including rent of Bounty Land Office, for labor, fuel, oil, and repairs, and for the contingencies of the fire engines and apparatus, four thousand seven hundred dollars;
- For compensation of the clerks and messengers in the office of the Secretary of the Navy, twelve thousand eight hundred and fifty dollars;
- For contingent expenses of said office, including three thousand dollars for extra clerk hire, six thousand dollars;
- For compensation of the Commissioners of the Navy Board, ten thousand five hundred dollars;
- For compensation of the Secretary of the navy board, two thousand dollars;
- For compensation to the clerks and messenger of the navy board, eight thousand four hundred and fifty dollars;
- For contingent expenses of said office, including seven hundred dollars for arrearages of extra clerk hire, two thousand five hundred dollars;
- For salary of superintendent and watchman of the southwest executive building, one thousand two hundred and fifty dollars;
- For altering and painting passages in said building, one thousand eight hundred dollars;
- For contingent expenses of said building, three thousand three hundred and fifty dollars;
- For compensation to three Assistant Postmasters General, per act third [second] July, eighteen hundred and thirty-six, seven thousand five hundred dollars;
- For compensation to clerks and messengers in the General Post office, forty-eight thousand six hundred dollars;
- For topographer and additional clerks in said office, and a clerk to keep the appropriation account, eleven thousand six hundred dollars;
- For contingent expenses of said office, including four thousand dollars for rent, and fuel for the Auditor's office, twelve thousand five hundred dollars;
- For compensation of two watchmen, six hundred dollars;
- For compensation to the Auditor of the Post Office, three thousand dollars;

For compensation to clerks and messengers in said office, fifty-five thousand five hundred dollars ;	Clerks and messengers.
For eleven additional clerks in said office, thirteen thousand two hundred dollars ;	
For contingent expenses of said office, including the expense of quarterly books, stationery, printing, and pay of laborers, four thousand seven hundred dollars ;	Expenses.
For compensation of the surveyor general northwest of the Ohio, two thousand dollars ;	Surveyor Gen. north-west of the Ohio.
For compensation to clerks in his office, per acts of ninth May, eighteen hundred and thirty-six, six thousand three hundred dollars ;	Clerks. Act of May 9, 1836, ch. 60.
For compensation to the surveyor general for Illinois and Missouri, two thousand dollars ;	Surveyor Gen. for Illinois and Missouri.
For compensation to clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, three thousand eight hundred and twenty dollars ;	Clerks. 1836, ch. 60.
For compensation to the surveyor general of Arkansas, two thousand dollars ;	Surveyor Gen. of Arkansas.
For compensation of clerks in the office of said surveyor general, two thousand eight hundred dollars ;	Clerks.
For compensation of the surveyor general of Louisiana, two thousand dollars ;	Surveyor Gen. of Louisiana.
For compensation to clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, two thousand five hundred dollars ;	Clerks.
For compensation of the surveyor general of Mississippi, two thousand dollars ;	Surveyor Gen. of Mississippi.
For compensation of clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, five thousand dollars ;	Clerks.
For compensation of the surveyor general of Alabama, two thousand dollars ;	Surveyor Gen. of Alabama.
For compensation of clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, two thousand two hundred dollars ;	Clerks. Act of May 9, 1836, ch. 60.
For compensation of the surveyor general of Florida, two thousand dollars ;	Surveyor Gen. of Florida.
For compensation of clerks in the office of said surveyor general, three thousand five hundred dollars ;	Clerks.
For compensation of the surveyor general of Wisconsin, and of the clerks in his office, per act of twelfth June, eighteen hundred and thirty-eight, three thousand one hundred dollars ;	Surveyor Gen. of Wisconsin.
For extra clerks and draughtsmen in the offices of the surveyors general, to be apportioned according to the exigencies of the service, eight thousand dollars ;	Clerks. Act of June 12, 1838, ch. 96. Extra clerks and draughtsmen in offices of surveyors general.
For extra clerks to transcribe field notes of survey, for the purpose of having them preserved at the seat of Government, to be expended in case fire-proof vaults are not furnished for their preservation, at the following offices, viz :	Extra clerks to transcribe field notes.
Of the surveyor general northwest of the Ohio, four thousand five hundred dollars ;	Surveyor Gen. north-west of the Ohio.
Of the surveyor general of Illinois and Missouri, three thousand eight hundred and eighty dollars ;	Surveyor Gen. of Illinois and Missouri.
Of the surveyor general of Arkansas, three thousand dollars ;	Surveyor Gen. of Arkansas.
Of the surveyor general of Louisiana, four thousand five hundred dollars ;	Surveyor Gen. of Louisiana.
Of the surveyor general of Mississippi, four thousand two hundred and ninety dollars ; and	Surveyor Gen. of Mississippi.
Of the surveyor general of Wisconsin, three thousand dollars ;	Surveyor Gen. of Wisconsin.

Commissioner of public buildings, Assistants, &c.	For compensation to the Commissioner of public buildings in Washington, two thousand three hundred dollars ;
Officers of the mint.	For compensation to three assistants to the commissioner, as superintendent of the Potomac bridge, and for the expense of oil for the lamps, one thousand nine hundred and fifty dollars ;
Laborers, &c.	For compensation to the officers and clerks of the mint, twenty thousand four hundred dollars ;
Expenses.	For pay of laborers in the various departments of the mint, and for contingent expenses, twenty-three thousand dollars ;
New machinery.	For incidental and contingent expenses, including the wastage of gold and silver, fuel, materials, stationery, water, rent, and taxes, eighteen thousand three hundred dollars ;
Specimens of ores, &c.	For new machinery, three thousand dollars ;
Branch mint at Charlotte.	For specimens of ores and coins to be reserved at the mint, one thousand dollars ;
Laborers.	For compensation to the officers and clerk of the branch mint at Charlotte, North Carolina, six thousand dollars ;
Expenses.	For pay of laborers in the various departments of the same, three thousand six hundred dollars ;
Branch mint at Dahlonega.	For wastage of gold, and for contingent expenses of the same, five thousand one hundred dollars ;
Laborers.	For compensation to the officers and clerk of the branch mint at Dahlonega, Georgia, six thousand dollars ;
Expenses.	For pay of laborers in the various departments of the same, three thousand eight hundred dollars ;
Branch mint at N. Orleans.	For wastage of gold, and for contingent expenses of the same, four thousand one hundred dollars ;
Laborers.	For compensation to the officers and clerks of the branch mint at New Orleans, twelve thousand nine hundred dollars ;
Expenses.	For pay of laborers in the various departments of the same, twenty-two thousand dollars ;
Governor, &c. of Wisconsin.	For wastage of gold and silver, and for contingent expenses of the same, seventeen thousand one hundred dollars ;
Expenses, pay of Legislature, &c.	For compensation of the Governor, judges, and secretary of Wisconsin Territory, nine thousand one hundred dollars ;
Governor, &c. of Florida.	For contingent expenses, pay, and mileage of the members of the Legislative Assembly, pay of officers of the Council, printing, furniture, stationery, fuel, and other incidental expenses, twenty-five thousand dollars ;
Expenses, pay of Legislature, &c.	For compensation of the Governor, judges, and secretary of the Territory of Florida, fourteen thousand three hundred and seventy dollars ;
Governor, &c. of Iowa.	For contingent expenses, pay, and mileage of the members of the Legislative Council of said Territory, pay of the officers of the Council, printing, furniture, rent, stationery, fuel, and other incidental expenses, twenty-eight thousand two hundred and fifteen dollars ;
Expenses, pay of Legislature, &c.	For compensation to the Governor, judges, and secretary of the Territory of Iowa, eight thousand two hundred dollars ;
Chief justice, &c.	For contingent expenses, pay, and mileage of the Legislative Assembly, pay of officers, printing, furniture, stationery, fuel, and all other incidental expenses, including an arrearage of sixteen thousand three hundred and fifty-four dollars, for eighteen hundred and thirty-eight, thirty-seven thousand one hundred and four dollars ;
Judges of District Columbia.	For compensation to the chief justice, the associate judges, and district judges of the United States, ninety-three thousand nine hundred dollars ;
	For compensation of the chief justice and associate judges of the District of Columbia, and of the judges of the criminal and orphans' courts of said district, twelve thousand seven hundred dollars ;

For compensation to the Attorney General of the United States, four thousand dollars;	Attorney Gen.
For compensation of clerk and messenger in the office of the Attorney General, one thousand three hundred dollars;	Clerk and Messengers.
For contingent expenses of said office, five hundred dollars;	Expenses.
For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars;	Reporter Supreme Court.
For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories, and arrearages, fourteen thousand eight hundred and forty-two dollars;	Dist. attorneys and marshals.
For defraying the expenses of the Supreme Court, and the district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty-nine, and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe keeping of prisoners, in addition to former appropriations, one hundred and twenty-eight thousand dollars;	Expenses of Supreme Court, &c.
For the payment of pensions granted by special acts of Congress, one thousand and fifty dollars;	Pensions by special acts.
For the support and maintenance of light-houses, floating lights, beacons, buoys, and stakeages, including the purchase of lamps, oil, keepers' salaries, repairs, improvements, and contingent expenses, three hundred and ninety-four thousand three hundred and thirty-one dollars;	Support of lighthouses, &c.
For survey of the coast of the United States, including the compensation of the superintendent and assistants, ninety thousand dollars;	U. S. coast survey.
For compensation of two keepers of the public archives in Florida, one thousand dollars;	Keepers of archives.
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, twelve thousand dollars;	Miscellaneous.
For salaries of ministers of the United States to Great Britain, France, Spain, Russia, Prussia, and Austria, fifty-four thousand dollars;	Ministers.
For salaries of the secretaries of legation to the same places, twelve thousand dollars;	Secretaries of legation.
For salaries of the chargés des affaires to Portugal, Denmark, Sweden, Holland, Belgium, Brazil, Chili, Peru, Central America, New Grenada, Venezuela, Texas, and Naples, including an arrearage to the charge d'affaires to Texas of one thousand two hundred and eighty-four dollars, fifty-nine thousand seven hundred and eighty-four dollars;	Chargés des affaires.
For salary of a minister, resident of the United States, to Turkey, six thousand dollars;	Minister to Turkey.
For salary of the drogoman, and for contingent expenses of the legation to Turkey, six thousand five hundred dollars;	Drogoman, expenses, &c.
For contingent expenses of all the missions abroad, thirty thousand dollars;	Expenses of missions.
For salaries of the consuls of the United States at London and Paris, four thousand dollars;	Consuls at London and Paris.
For expenses of intercourse with the Barbary powers, seventeen thousand four hundred dollars;	Barbary powers.
For the relief and protection of American seamen in foreign countries, forty thousand dollars;	Relief, &c. of Am. seamen.
For the contingent expenses of foreign intercourse, twenty-five thousand dollars;	Expenses of foreign intercourse.
For clerk hire, office rent, stationery, and other expenses in the office of the American consul in London, per act of nineteenth of January, eighteen hundred and thirty-six, two thousand eight hundred dollars;	Expenses in office of Am. consul at Lond. Act of Jan. 19, 1836, ch. 2.

Consulates in  
Turkish domin-  
ions.  
Library of  
Congress.

For interpreters, guards, and other expenses incidental to the consu-  
lates in the Turkish dominions, five thousand five hundred dollars;

For salary of the principal and two assistant librarians, pay of the  
messenger, and for contingent expenses of the library, three thousand  
nine hundred and fifty dollars;

Purchase of  
books.

For the purchase of books for the library of Congress, five thousand  
dollars;

Expenses of  
Senate.

For stationery, fuel, printing, and all other contingent expenses of  
the Senate, in addition to former appropriations, forty thousand dollars;

Expenses of  
House of Rep-  
resentatives.

For stationery, fuel, printing, and all other contingent expenses of  
the House of Representatives, in addition to former appropriations, one  
hundred thousand dollars;

The two sums last mentioned to be applied to the payment of the  
ordinary expenditures of the Senate and House of Representatives,  
severally, and to no other purpose.

Principal gar-  
dener.

For salary of the principal gardener, one thousand two hundred dol-  
lars;

House and  
grounds.

For alterations and repairs of the President's house and furniture,  
and for superintendence of the grounds, three thousand four hundred  
and sixty-five dollars;

Preparing, &c.  
documents.

For preparing, printing, and binding documents ordered by the reso-  
lutions of the Senate of the second of July, one thousand eight hundred  
and thirty-six, and second March, one thousand eight hundred and thirty-  
seven, relating to the establishment of the seat of Government; plans,  
and surveys for the improvement of harbors and rivers, roads and  
canals; to be disbursed under the direction of the committee to audit  
and control the contingent expenses of the Senate, fifteen thousand  
dollars;

Relief of insol-  
vent debtors.

For expenses arising under the act for the relief of certain insolvent  
debtors of the United States, three thousand dollars;

Wall at New  
Orleans.

For an appropriation carried to the surplus fund on the thirty-first of  
December, one thousand eight hundred and thirty-six, for a brick wall  
around the custom-house at New Orleans, five thousand five hundred  
dollars;

Marine hospi-  
tal at Mobile.

For completing the marine hospital authorized to be erected in the  
city of Mobile, fifteen thousand dollars;

Repair of pier,  
&c. on Staten  
Island.

For an appropriation carried to the surplus fund on the thirty-first of  
December, eighteen hundred and thirty-seven, for the repair of the pier  
and wharves at the public stores on Staten island, two thousand three  
hundred and thirteen dollars and seventy-five cents;

Custom-house  
at Boston.

For constructing the custom-house at Boston, seventy-five thousand  
dollars;

Custom-house  
at New York.

For constructing the custom-house at New York, one hundred and  
fifty thousand dollars;

Furniture.

For furnishing one hundred and fifty-six rooms in the new Treasury  
building, including one thousand dollars for shelves and cases in the  
various rooms occupied by the Register, sixteen thousand six hundred  
dollars;

Smithsonian  
legacy.

For carrying into effect the acts relating to the Smithsonian legacy,  
ten thousand dollars, to be paid out of the fund arising from that legacy.

Surveying the  
public lands.

For surveying the public lands, in addition to the unexpended balance  
of former appropriations, fifteen thousand dollars;

Surveying the  
public lands in  
Louisiana.  
1837, ch. 33.

For surveying the public lands in Louisiana, at a rate not exceeding  
eight dollars per mile, in addition to the special appropriation for this  
purpose, per act of the third of March, eighteen hundred and thirty-  
seven, fifteen thousand dollars;

New Treasu-  
ry building.

For the construction of the new Treasury building, one hundred  
thousand dollars;

Patent Office.

For the construction of the Patent Office, fifty thousand dollars;

For alterations and repairs of the Capitol and incidental expenses, one thousand one hundred and ninety-eight dollars;	Capitol.
For lighting lamps and keeping in order the public grounds around the Capitol, the iron waterpipes, and wooden fences, six thousand three hundred and six dollars;	Lighting lamps, &c.
For attendance on the western gates of the Capitol, five hundred and forty-seven dollars and fifty cents;	Attendance at western gates.
For removing a light-house on Goat island, being the balance of former appropriations carried to the surplus fund, eight thousand seven hundred and six dollars and seventy-five cents;	Lighthouse on Goat Island.
For deepening the straight channel of the east pass to Appalachicola, Florida, being the balance of an appropriation transferred to this improvement, and since carried to the surplus fund, nine thousand nine hundred dollars;	East pass to Appalachicola.
For improving the harbor of Saybrook, by removing the bar at the mouth of Connecticut river, being the balance of an appropriation carried to the surplus fund, fifteen thousand seven hundred and ten dollars;	Saybrook harbor.
For an outfit of a charge d'affaires to Holland, four thousand five hundred dollars;	Charge d'affaires to Holland.
For completing the warehouse at Baltimore, thirty thousand dollars;	Warehouse at Baltimore.
For the balance due on account of the first volume of the Documentary History of the United States, five thousand six hundred and two dollars; and the Secretary of State is hereby authorized to deliver to the Clerk of the House of Representatives, three hundred and sixty-eight copies of said work, to be distributed to each of the members of the House of Representatives of the twenty-third, twenty-fourth and twenty-fifth Congresses, who are not entitled to receive the same under former resolutions or acts of Congress.	Documentary History.
For the balance due H. Randall for a lot of ground upon which the engine-house of the Union Fire Company has been erected, three hundred dollars;	H. Randall.
For surveying the public lands in the State of Illinois, and for surveys not yet completed, twelve thousand dollars;	Surveying public lands in Illinois.
For repairs of the custom-house at Key West, one thousand six hundred and twenty-five dollars;	Custom-house at Key West.
For the third payment to Luigi Persico, under the contract with him for a group of statues for the Capitol, four thousand dollars;	Group of statues.
For the third payment to the artists engaged in executing paintings for the rotundo of the Capitol, eight thousand dollars;	Paintings for the rotundo.
For engraving a chart of the bay and harbor of New York, five thousand dollars;	Chart of bay, &c. New York.
For paying the clerks in the custom-house at Philadelphia, the arrears of their salaries from eighteen hundred and thirty-two, to eighteen hundred and thirty-seven, so as to make the same equal to what they received in the last mentioned year, on the same principle as has been applied at New York, fifteen thousand dollars, or so much thereof as may be necessary;	Arrears to clerks at Philadelphia.
For procuring such books and papers relating to Spanish grants of land, formerly belonging to the late Spanish surveyors in the Territories of Orleans or Florida, as may be useful to protect the interests of the United States, and to be expended only with the approbation of the Secretaries of the State and Treasury Departments, after an inspection and examination of said books and papers by a competent person or persons, at the General Land Office, a sum not exceeding twenty thousand dollars;	Books and papers relating to Spanish grants, &c.
For support of the United States Penitentiary in the city of Washington for the year eighteen hundred and thirty-nine, including the pay of officers and agents, rations, clothing, beds and bedding, hospital stores and medicines, repairs to buildings, fuel, raw materials to be	Support of U. S. penitentiary in Washington.



worked up, allowance to discharged convicts and other contingencies as per estimate of board of inspectors, twelve thousand five hundred and thirty-seven dollars and thirty-six cents;

South'n bound-  
ary of Iowa.

[For] the survey of the southern boundary of the Territory of Iowa, nine hundred and sixty-nine dollars and five cents;

Public lands  
in Wisconsin.

For the surveys of public lands north of the Wisconsin and Neenah rivers in Wisconsin, the sum of five thousand dollars;

New cupolas.

For three new cupolas over the Library of Congress, one thousand four hundred and eighty-two dollars and twenty-four cents;

Pipes to water  
Capitol gro'ds.

For branch-pipes and stop-cocks to water the Capitol grounds, three hundred and fifty dollars and thirty cents;

Repairing wa-  
ter pipes.

For repairing the water-pipes from the Tiber, north of the Capitol, to the Capitol, five hundred dollars;

C. Gordon.

For compensating Charles Gordon for services rendered under the resolutions of the Senate of the second of July, eighteen hundred and thirty-six, and the twenty-eighth of June, eighteen hundred and thirty-eight, one thousand eight hundred dollars;

President's  
house.

For completing the special repairs heretofore proposed in the President's house, including a deficiency in a former appropriation, one thousand five hundred and eleven dollars and twenty-four cents;

Purchase of  
fire engines,&c.

For the purchase of two fire engines for the Capitol, the Marine Barracks, and the Navy Yard, including apparatus and for suction and hose for the Perseverance fire company, ten thousand one hundred dollars;

General Post  
Office. Act of  
July 2, 1836,  
ch. 270.

For the service of the General Post Office, for the year eighteen hundred and thirty-nine, in conformity to the act of second July, eighteen hundred and thirty-six, five million one hundred thousand dollars;

Transportation  
of the mails.

For the transportation of the mails, three million five hundred and twenty-nine thousand dollars;

Compensation  
of postmasters.

For compensation of postmasters, one million and ninety-one thousand dollars;

Ship letters,  
&c.

For ship, steamboat, and way letters, thirty-five thousand dollars;

Wrapping pa-  
per.

For wrapping-paper, twenty-five thousand dollars;

Office furni-  
ture.

For office furniture, six thousand dollars;

Advertising.

For advertising, thirty-eight thousand dollars;

Mail bags.

For mail-bags, forty-eight thousand dollars;

Blanks.

For blanks, thirty-four thousand dollars;

Mail locks,&c.

For mail-locks, and keys, and stamps, twelve thousand dollars;

Mail depreda-  
tions, &c.

For mail depredations and special agents, fifteen thousand dollars;

Clerks.

For clerks for offices, two hundred thousand dollars;

Miscellaneous.

For miscellaneous, sixty-seven thousand dollars; *Provided*, That the

President and the Postmaster General shall have the same power to transfer funds from one to another head of appropriation, between the foregoing appropriations made for the service of the General Post Office, as the President and any other head of an Executive department now have to transfer funds appropriated under one head to the service of another, in any other branch of the public service.

Money paid to  
collectors, &c.  
for unascertain-  
ed duties, &c.

SEC. 2. *And be it further enacted*, That from and after the passage of this act, all money paid to any collector of the customs, or to any person acting as such, for unascertained duties or for duties paid under protest against the rate or amount of duties charged, shall be placed to the credit of the Treasurer of the United States, kept and disposed of as all other money paid for duties is required by law, or by regulation of the Treasury Department, to be placed to the credit of said Treasurer, kept and disposed of; and shall not be held by the said collector, or person acting as such, to await any ascertainment of duties, or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectable in any case where money is so paid; but whenever it shall be shown to the satisfaction of the Secretary of the

Treasury, that in any case of unascertained duties or duties paid under protest more money has been paid to the collector or person acting as such than the law requires should have been paid, it shall be his duty to draw his warrant upon the Treasurer in favor of the person or persons entitled to the over-payment, directing the said Treasurer to refund the same out of any money in the Treasury not otherwise appropriated. (a)

SEC. 3. *And be it further enacted*, That no officer in any branch of the public service, or any other person whose salaries, or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law; nor shall any executive officer, other than the heads of departments, apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

No person, whose salary, &c. shall receive any extra allowance, unless authorized by law.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. LXXXIII.—*An Act for the relief of the Brothertown Indians, in the Territory of Wisconsin.*

March 3, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the township of land containing twenty-three thousand and forty acres, lying on the east side of Winnebago lake, in the Territory of Wisconsin, which, by the proviso of a treaty made with the Menomonie Indians on the seventeenth February, eighteen hundred and thirty-one, and ratified on the ninth July 1832, was reserved for the use of the Brotherton or Brothertown Indians, and which by a subsequent treaty with the Menomonie tribe, bearing date 27th October 1832, and ratified 13th March 1833, was further secured to the said Brothertown Indians, may be partitioned and divided among the different individuals composing said tribe of Brothertown Indians, and may be held by them separately and severally in fee simple, after such division shall have been made in the manner hereafter mentioned.

A township of land, lying, &c. may be divided among, &c.

(a) Since the passage of the act of Congress of March 3, 1839, chap. 82, sec. 2, which requires collectors of the customs to place to the credit of the Treasurer of the United States all moneys which they receive for unascertained duties, or for duties paid under protest, an action of assumpsit for money had and received will not lie against the collector for the return of such duties so received by him. *Carey v. Curtis*, 3 Howard, 236.

In what other modes the claimant can have access to the courts of justice this court is not called upon to decide in this case. *Ibid.*

[Congress being in session when the decision of the court in the case of *Carey v. Curtis*, 3 Howard, 236, was made, the following act was passed.]

CHAP. XXII.—*An Act explanatory of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*. That nothing contained in the second section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine," approved on the third day of March, one thousand eight hundred and thirty-nine, shall take away, or be construed to take away or impair, the right of any person or persons who have paid or shall hereafter pay money, as and for duties, under protest, to any collector of the customs, or other person acting as such, in order to obtain goods, wares, or merchandise, imported by him or them, or on his or their account, which duties are not authorized or payable in part or in whole by law, to maintain any action at law against such collector, or other person acting as such, to ascertain and try the legality and validity of such demand and payment of duties, and to have a right to a trial by jury, touching the same, according to the due course of law. Nor shall any thing contained in the second section of the act aforesaid be construed to authorize the Secretary of the Treasury to refund any duties paid under protest; nor shall any action be maintained against any collector, to recover the amount of duties so paid under protest, unless the said protest was made in writing, and signed by the claimant, at or before the payment of said duties, setting forth distinctly and specifically the grounds of objection to the payment thereof.

APPROVED, February 26, 1845.

Said division to be made by a board of commissioners.

SEC. 2. *And be it further enacted*, That, for the purpose of making partition and division of said lands among the individuals of said tribe of Brothertown Indians, a board of commissioners shall be constituted, to consist of five of the principal or head men of said tribe, a majority of whom shall constitute a quorum to do business, whose duty it shall be to make a just and fair partition and division of said lands among the members of said tribe, or among such of them as, by the laws and customs and regulations of said tribe, are entitled to the same, and in such proportions and in such manner as shall be consistent with equity and justice, and in accordance with the existing laws, customs, usages, or agreements of said tribe.

A meeting to be held for the election, &c.

SEC. 3. *And be it further enacted*, That, for the purpose of electing or choosing said board of commissioners, a meeting of said tribe shall be held at their church, or principal place, on the reservation of land aforesaid, on the first Monday in July next, at which all the male members of said tribe over the age of twenty-one years shall be allowed to vote for such commissioners; and the said five commissioners shall then and there be chosen or elected by the said tribe, by a majority of the whole number of such voters then present. And the judge of the district in which said lands are situated (or in his absence the register of the land office at Green Bay, or the commanding officer of the United States troops at Fort Howard) shall attend at the time and place aforesaid, and preside at said meeting, superintend the said election, and see that the proceedings are fairly conducted: and the said presiding officer may, in his discretion, prescribe whether the said election shall be by ballot or viva voce; and shall in other respects cause the proceedings to be conducted in such manner as to ensure a fair and proper choice or election; and after the said commissioners shall have been so chosen or elected, the said presiding officer shall immediately certify that fact, setting forth the names of the commissioners who shall be elected, and shall make two copies of said certificate, one of which he shall file in the office of the register of the land district at Green Bay, and the other he shall transmit by mail to the President of the United States.

Division, how to be made.

SEC. 4. *And be it further enacted*, That after the said commissioners shall have been elected or chosen as above prescribed, and as soon thereafter as conveniently may be, they shall proceed to make partition and division of all the lands aforesaid among the individual members of said tribe, or among such of them as, by the laws, customs, usages, or agreements of said tribe are justly entitled to the same, and in such way and manner, and upon such principles and in such proportions as shall be agreeable to equity and justice, and consistent with the laws, usages, customs, and agreements of said tribe: *Provided, however*, That the buildings and improvements, and the farms on which the same are situated, which are now held or possessed in severalty by the members of said tribe, shall, so far as the same can consistently be done, be allotted or apportioned to the present occupants; and that no person or individual of said tribe shall be dispossessed or deprived of the improvements or land which they now occupy, unless it shall be found by the said commissioners that such person or persons are in the possession of and occupying more land than they are justly entitled to, and then the overplus may be apportioned to others.

Commissioners to report their proceedings, &c.

SEC. 5. *And be it further enacted*, That after the said commissioners shall have made such partition and division as aforesaid, they shall make, or cause to be made, a full report of their proceedings in the premises, setting forth the name of each person to whom they have apportioned any part of said land, the quantity apportioned or allotted to each, with the metes and bounds, or other definite description of each several piece or parcel of land; and they shall accompany the said report with a fair and accurate map of the whole, showing the divisions and partitions

A map to accompany the report, &c.

aforesaid; which report and map, or a copy thereof, shall be deposited with the town clerk of said tribe, on or before the first day of October next, and shall remain open for inspection to all, for the space of twenty days thereafter; and if any member or members of said tribe shall object to the partition or division so made by the said commissioners, or shall deem himself or themselves aggrieved thereby, he or they may, within ten days thereafter, give notice thereof to the said commissioners, who shall, within twenty days thereafter, meet to hear and determine such grievances, and take testimony if necessary; and after such hearing, shall have power to alter or modify such partition, if, in their judgment, any alteration or modification is necessary, in order to do equal and exact justice to all parties in interest.

Proceedings to be had if objection is made.

SEC. 6. *And be it further enacted*, That, after the said report shall be finally completed, the commissioners shall cause [three copies] of the said report, and of the map accompanying the same, as finally agreed upon and settled, to be made and signed by said commissioners, one copy of which shall be deposited in the office of the secretary of said Territory, one copy in the office of the clerk of the county within which said lands are situated, and the other shall be transmitted to the President of the United States, who shall thereupon cause patents to be issued to the several individuals named in said report, for the lands so apportioned to them respectively, by which the said persons shall be authorized to hold the said lands in fee simple to themselves and their heirs and assigns.

Copy of report and map to be deposited, &c.

SEC. 7. *And be it further enacted*, That the said report and map shall be filed with the secretary of said Territory, and in the clerk's office of said county, and shall also be transmitted to the President on or before the first day of January next; and after the same shall have been filed and transmitted to the President, as aforesaid, the said Brothertown Indians, and each and every of them, shall then be deemed to be, and from that time forth are hereby declared to be, citizens of the United States to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall, in all respects, be subject to the laws of the United States and of the Territory of Wisconsin, in the same manner as other citizens of said Territory; and the jurisdiction of the United States and of said Territory shall be extended over the said township or reservation now held by them in the same manner as over other parts of said Territory; and their rights as a tribe or nation, and their power of making or executing their own laws, usages, or customs, as such tribe, shall cease and determine: *Provided, however*, That nothing in this act shall be so construed as to deprive them of the right to any annuity now due to them from the State of New York or the United States, but they shall be entitled to receive any such annuity in the same manner as though this act had not been passed.

Said Indians shall be citizens of the United States, &c.

Proviso.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. LXXXIV.—*An Act making an appropriation for the protection of the Northern and Northwestern frontier of the United States.*

March 3, 1839.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of five hundred thousand dollars, in addition to a former appropriation, shall be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury to defray any expenses which have been or may be incurred in protecting the Northern and Northwestern frontier of the United States, by the employment of steamboats, the transportation of troops and supplies, or any other extraordinary expenses attending the operations of the army in the defence of that frontier, and by calling out, under the direction of the President of the United States, any part of the militia or volunteers, according to the provisions of the constitution

Appropriation.

How to be expended.

Act of Jan. 2, 1795, ch. 9.

Act of April 5, 1832, ch. 64.

Act of March 19, 1836, ch. 44.

and laws; and such part of said sum as may be required for the latter purpose, shall be expended under the direction of the Secretary of War, conformably to the provisions of the act of Congress of January the second, seventeen hundred and ninety-five; of the act of April the fifth, eighteen hundred and thirty-two, making appropriations for the support of the army; and of the act of March the nineteenth, eighteen hundred and thirty-six, providing for the payment of volunteer and militia corps in the service of the United States.

APPROVED, March 3, 1839.

#### STATUTE III.

March 3, 1839.

Act of April 16, 1818, ch. 64.

Construction of act.

CHAP. LXXXV.—*An Act to amend an act entitled "An act regulating the pay and emoluments of brevet officers," passed April 16, 1818.*

*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, the act entitled "An act regulating the pay and emoluments of brevet officers," approved April sixteenth, eighteen hundred and eighteen, be, and the same shall be, so construed, as to include the case of the Adjutant General of the United States.

APPROVED, March 3, 1839.

#### STATUTE III.

March 3, 1839.

[Obsolete.]

Appropriation for opening a road.

CHAP. LXXXVI.—*An Act to authorize the construction of a road from Dubuque, in the Territory of Iowa, to the northern boundary of the State of Missouri, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the opening and construction of a road in the Territory of Iowa, from Dubuque, on the river Mississippi, to such point in the northern boundary of the State of Missouri as may be best suited for its future extension by that State to the cities of Jefferson and St. Louis, within the same; that the Secretary of War be empowered and directed to cause such road to be constructed by contract or otherwise: *Provided,* That the said road shall be opened throughout, and so far completed as to be capable of use, without exceeding in cost the sum hereby appropriated; and in laying down the route thereof respect be paid, so far as the same may be practicable, without greatly increasing the length thereof, to the accommodation of the seats of justice of the several counties in Iowa through which it may pass, and to the best sites for bridges or ferries over the several rivers which the said road must cross.

Proviso.

Survey of Red Cedar river.

Appropriation.

SEC. 2. *And be it further enacted,* That the Secretary of War be, and he is hereby, empowered to cause a survey of Red Cedar river, within the said Territory, and an estimate to be made, with a view to the improvement of the navigation thereof above the town of Moscow, and the connection of the said navigation with the river Mississippi by a canal, extending from the vicinity of said town to some suitable point in or near the town of Bloomington; and to defray the expense of said survey and estimate, the sum of fifteen hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the following sums are hereby appropriated to several objects respectively, which are hereinafter described:

Opening and constructing a road from Burlington, &c.

Improving the

For the opening and construction of a road from Burlington through the counties of Des Moines, Henry and Van Buren, towards the seat of Indian agency on the river Des Moines, five thousand dollars;

For the improvement of the road from Burlington, in the Territory of Iowa, to De Hagues, in Illinois, the sum of twenty-five hundred dol-

lars, in aid of a like sum contributed towards the same object by the town of Burlington.

road from Burlington to De Hagues.

APPROVED, March 3, 1839.

CHAP. LXXXVII.—*An Act providing for the erection of a fire-proof building for the use of the General Post Office Department.*

STATUTE III.

March 3, 1839.

[Obsolete.]

*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 erected a fire-proof building, of such dimensions and upon such plan of arrangement as may be required for the use and accommodation of the General Post Office Department, on the site of the Post Office building recently destroyed by fire; and, for this purpose, that he be authorized to appoint a skilful architect to prepare and submit to him the necessary plans for the proper construction of such building, which being approved by him shall be conformed to in the erection of the structure; and the said architect may be continued in the superintendence of the construction of the building, or another employed in that service, as the President may deem best. *Provided*, that not more than one architect shall be kept in the employment of the Government at Washington.

Fire-proof building to be erected.

Proviso.

SEC. 2. *And be it further enacted,* That the principal material of which the exterior walls of such building shall be constructed shall be such as the President of the United States shall direct, and shall be jointed, and laid in regular courses, in the most approved mode of such construction.

Material—how to be laid, &c.

SEC. 3. *And be it further enacted,* That, for the erection of the building authorized by the first section of this act, there be, and hereby is, appropriated, the sum of one hundred and fifty thousand dollars, out of any money in the Treasury not otherwise appropriated by law.

Appropriation.

APPROVED, March 3, 1839.

CHAP. LXXXVIII.—*An Act in addition to "An act to promote the progress of the useful arts." (a)*

STATUTE III.

March 3, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

Act of July 4, 1836, ch. 357.  
Act of Aug. 29, 1842, ch. 263.

Two assistant examiners to be appointed—how—their salaries.

SEC. 2. *And be it further enacted,* That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing whenever the current business of the office requires it; *Provided, however,* That instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

Temporary clerks.

Proviso.

SEC. 3. *And be it further enacted,* That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office and nine hundred copies to be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same.

List of patents to be published.

SEC. 4. *And be it further enacted,* That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

Pay for use of rooms in City Hall.

SEC. 5. *And be it further enacted,* That the sum of one thousand dol-

Purchase of books.

(a) See notes of the acts granting patents for useful inventions, and of the decisions of the courts of the United States on the patent laws, vol. 1, 318.

lars be appropriated from the patent fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

No person to be debarred from receiving a patent, &c.

Proviso.

Proviso.

Persons, &c. having purchased or constructed any newly invented machine, &c.

SEC. 6. *And be it further enacted*, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use in the United States, prior to the application for such patent: *And provided, also*, That in all cases every such patent shall be limited to the term of fourteen years from the date or publication of such foreign letters patent.

SEC. 7. *And be it further enacted*, That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public; or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

So much of 11th sec. act 4th July 1836, ch. 357, as requires payment for recording assignments, repealed.

Agricultural statistics, &c.

SEC. 8. *And be it further enacted*, That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyance of the whole or any part of the interest or right under any patent, be, and the same is hereby, repealed; and all such assignments, grants, and conveyances shall, in future, be recorded without any charge whatever.

SEC. 9. *And be it further enacted*, That a sum of money not exceeding one thousand dollars, be, and the same is hereby, appropriated, out of the patent fund, to be expended by the Commissioner of Patents in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

Provisions 16th sec. act 4th July 1836, ch. 357, extended.

SEC. 10. *And be it further enacted*, That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents or by the chief justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Appeals.

1852, ch. 107.

SEC. 11. *And be it further enacted*, That in all cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the chief justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said

chief justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office, may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case; *Provided, however,* That no opinion or decision of the judge in any such case, shall preclude any person interested in favor or against the validity of any patent which has been or may hereafter, be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Proviso.

SEC. 12. *And be it further enacted,* That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional, as provides for a board of examiners, is hereby repealed.

Commissioner may make regulations respecting contested cases.

SEC. 13. *And be it further enacted,* That there be paid annually, out of the patent fund, to the said chief justice, in consideration of the duties herein imposed, the sum of one hundred dollars.

Compensation of chief justice.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. LXXXIX. — *An Act giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes.*

March 3, 1839.

[Expired.]

*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 resist any attempt on the part of Great Britain, to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and for that purpose, to employ the naval and military forces of the United States and such portions of the militia as he may deem it advisable to call into service.

Disputed territory in Maine.

SEC. 2. *And be it further enacted,* That the militia when called into the service of the United States by virtue of this act, or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for these purposes," may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after the arrival at the place of rendezvous, in any one year unless sooner discharged.

Militia, when called into service.

1795, ch. 36.

SEC. 3. *And be it further enacted,* That in the event of actual invasion of the territory of the United States by any foreign power, or if imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be, and he is hereby, authorized if he deem the same expedient, to ac-

In event of actual invasion, &c.



Act of 1836,  
ch. 80.

The President  
authorized to  
complete the  
public armed  
vessels now au-  
thorized, &c.

Appropriation.

Proviso.

Outfit, &c. of  
special minister  
to Gr. Britain.

Proviso.

President au-  
thorized to ap-  
ply \$1,000,000  
to repairing for-  
tifications, &c.

Militia or vol-  
unteers, when  
called into ser-  
vice of the Uni-  
ted States, &c.

To continue in  
force until, &c.

cept the services of any number of volunteers not exceeding fifty thousand, in the manner provided for by an act entitled "An act authorizing the President of the United States to accept the service of volunteers and to raise an additional regiment of dragoons or mounted riflemen, approved May twenty-third, eighteen hundred and thirty-six."

SEC. 4. *And be it further enacted*, That in the event of either of the contingencies provided for in this act the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ, in actual service, all the naval force of the United States, and to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the Northern lakes and rivers, whose waters communicate with the United States and Great Britain as he shall deem necessary to protect the United States from invasion from that quarter.

SEC. 5. *And be it further enacted*, That the sum of ten millions of dollars is hereby appropriated, and placed at his disposal for the purpose of executing the provisions of this act; to provide for which the Secretary of the Treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stock signed by the Register of the Treasury, for the sum to be borrowed, or any part thereof; and the same to be sold upon the best terms that may be offered after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after the expiration of five years from the first of January next; and that the rate of interest shall not exceed five per cent., payable semi-annually.

SEC. 6. *And be it further enacted*, That the sum of eighteen thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury, not otherwise appropriated, for outfit and salary of a special minister to Great Britain: *Provided*, The President of the United States shall deem it expedient to appoint the same.

SEC. 7. *And be it further enacted*, That in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part not exceeding one million of dollars of the appropriation made in this act to repairing or arming fortifications along the seaboard and frontier.

SEC. 8. *And be it further enacted*, That whenever militia or volunteers are called into the service of the United States they shall have the organization of the army of the United States, and shall receive the same pay and allowances.

SEC. 9. *And be it further enacted*, That the several provisions of this act shall be in force until the end of sixty days after the meeting of the first session of the next Congress, and no longer.

APPROVED, March 3, 1839.

#### STATUTE III.

March 3, 1839.

Act of April  
20, 1836, ch. 54.

Act of April  
12, 1838, ch. 96.

Bills passed by  
Council, &c. of  
Iowa and Wis-  
consin, before  
becoming laws,  
to be approved  
by the govern'r.

CHAP. XC. — *An Act to alter and amend the organic law of the Territories of Wisconsin and Iowa.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin shall, before it become a law, be presented to the Governor of the Territory; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two thirds of that House it

shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law.

SEC. 2. *And be it further enacted*, That this act shall not be so construed as to deprive Congress of the right to disapprove of any law passed by the said Legislative Assembly, or in any way to impair or alter the power of Congress over laws passed by said Assembly.

Limitation of the act.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. XCI.—*An Act to define and establish the eastern boundary line of the Territory of Iowa.*

March 3, 1839.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the middle or centre of the main channel of the river Mississippi shall be deemed, and is hereby declared, to be the eastern boundary line of the Territory of Iowa, so far or to such extent as the said Territory is bounded eastwardly by or upon said river: *Provided, however*, That the said Territory of Iowa shall have concurrent jurisdiction upon the said Mississippi river with any other conterminous State or Territory so far or to such extent as the said river shall form a common boundary between the aforesaid Territory of Iowa and any other such conterminous State or Territory.

Eastern boundary of Iowa.

Proviso.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. XCII.—*An Act to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes.*

March 3, 1839.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Legislative Assembly of the Territory of Iowa shall be, and are hereby, authorized to provide by law for the election or appointment of sheriffs, judges of probate, justices of the peace, and county surveyors, within the said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above-named officers thereafter to be had or made shall be in pursuance of such law.

Legislative Assembly of Iowa authorized to provide by law for the election of sheriffs, &c.

SEC. 2. *And be it further enacted*, That the term of service of the present Delegate for said Territory of Iowa shall expire on the twenty-seventh day of October, eighteen hundred and forty; and the qualified electors of said Territory may elect a Delegate to serve from the said twenty-seventh day of October to the fourth day of March thereafter, at such time and place as shall be prescribed by law by the Legislative Assembly, and thereafter a Delegate shall be elected, at such time and place as the Legislative Assembly may direct, to serve for a Congress, as members of the House of Representatives are now elected.

Election of delegate.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. XCIII.—*An Act making appropriations for preventing and suppressing Indian hostilities, for the year eighteen hundred and thirty-nine.*

March 3, 1839.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums, amounting to one million eight hundred and four thousand seven

Appropriation.

- hundred and seventy-four dollars, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-nine; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to:
- How to be expended.**  
1836, ch. 43.  
1836, ch. 254.
- Forage.**  
For forage for the horses of the second dragoons, mounted volunteers and militia officers entitled to forage in kind, and for horses, mules, and oxen, in the service of trains, three hundred and ninety-two thousand eight hundred and thirty-one dollars;
- Freight, &c.**  
For freight or transportation of military supplies of every description from the places of purchase to Florida, two hundred and fifty-four thousand six hundred and twenty-eight dollars;
- Purchase of wagons, &c.**  
For the purchase of wagons, harness, boats and lighters, horses to keep up the trains, tools, leather and other materials for repairs, ninety-two thousand dollars;
- Transportation.**  
For the transportation of supplies from the principal depots to the several posts, as well as troops, when they move by water, including hire of steamboats and other vessels for the service in the rivers and on the coasts, and the expenses of maintaining and sailing the several steamers and transport schooners connected with the operations of the army, three hundred thousand dollars;
- Hire of mechanics, &c.**  
For the hire of mechanics, laborers, mule-drivers, teamsters, and other assistants, including their subsistence, and for soldiers on extra duty, conformably to law, one hundred thousand dollars;
- Transportation of militia or volunteers.**  
For the transportation of the militia or volunteers while marching to and from the scene of operations, thirty thousand dollars;
- Miscellaneous.**  
For miscellaneous expenses of all kinds, not embraced under the foregoing heads, and which, from their contingent character, cannot be specified, four hundred thousand dollars;
- Accoutrements, &c.**  
For accoutrements and arms for infantry and cavalry, including militia infantry and cavalry, ammunition for men and field artillery, and repairs of arms, and for contingencies, seventy-one thousand dollars;
- Pay of militia and volunteers.**  
For the pay of such militia and volunteers as may have been or may be called into the service of the United States, in addition to the unexpended balance of the appropriation for the payment of four thousand volunteers, for the year eighteen hundred and thirty-eight, one hundred and fourteen thousand three hundred and fifteen dollars;
- Treaty with the Seminoles.**  
For the purpose of holding a treaty with the Seminole Indians, five thousand dollars;
- Vessels to cruise along the coast of Florida.**  
For the purchase and maintaining in active service three vessels of light draught of water, to cruise along the coast of Florida, for the protection of the lives and property of the citizens, fifty thousand dollars;
- Paying value of horses and equipage of Tennessee and other volunteers.**  
For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida, and which were turned over to the Government, by the order of the commanding general or other commanding officer, said value to be ascertained by the appraisement of said value when the volunteers entered the service, fifty-two thousand dollars. And the provisions of acts approved and in force at various periods since eighteen hundred and twelve, authorizing payment for horses lost in the service of the United States by rangers, militia, and volunteers, are hereby revived and extended for two years from and after the passage of this act, and under the action of the Third Auditor, shall be deemed to embrace all cases not already satisfied, of horses lost to their owners in service as aforesaid, in battle or otherwise, when care
- Value, how to be ascertained.*  
All acts since 1812, authorizing payment for horses, revived and extended for two years.

and diligence be rendered manifest on the part of the owner; and if the death or loss of rangers' horses shall have occurred for want of forage, it be at places where, acting in obedience to the orders of commanding officers, forage could not have been procured by proper vigilance on the part of the owner: No payment however shall be made for horses or other property lost or destroyed, when the loss or destruction shall have been occasioned by the fault or neglect of the owner, or where by the terms of the contract, the risk was upon the owner of the property: and no greater sum of money than the fifty-two thousand dollars appropriated by this section, shall be drawn from the Treasury by reason of its provisions.

SEC. 2. *And be it further enacted*, That no part of the money appropriated by this act shall be applied to the payment of any volunteers, except for arrearages, or for any expenses growing out of the employment of any volunteers for the year eighteen hundred and thirty-eight.

APPROVED, March 3, 1839.

No money appropriated by this act to be applied, &c.

CHAP. XCIV.—*An Act making appropriations for the support of the army for the year one thousand eight hundred and thirty-nine.*

STATUTE III.

March 3, 1839.

[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 be paid out of any money in the Treasury not otherwise appropriated, for the support of the army during the year one thousand eight hundred and thirty-nine, that is to say:

For the pay of the army, one million five hundred and thirty-four thousand eight hundred and thirty-two dollars;

Pay.

For the subsistence of officers, four hundred and seventy thousand seven hundred and fifty-four dollars;

Subsistence of officers.

For forage of officers' horses, one hundred and eleven thousand one hundred and fifteen dollars;

Forage for officers' horses.

For payments in lieu of clothing to discharged soldiers, and to officers, in lieu of clothing for their servants, fifty-nine thousand four hundred dollars;

Payments in lieu of clothing.

For subsistence, exclusive of that of officers, one million one hundred and twenty-two thousand eight hundred and thirty-one dollars;

Subsistence.

For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture, four hundred and seventy-three thousand four hundred and thirty-five dollars;

Clothing, &c.

For the medical and hospital department, twenty-four thousand four hundred dollars;

Medical and hospital department. Supplies by Q. Master's dep't.

For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationery, and printing, two hundred and forty-five thousand five hundred dollars;

Barracks, &c.

For barracks, quarters, store houses, embracing the repairs and enlargement of barracks, quarters, store houses, and hospitals, at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun houses for the protection of the cannon at the forts on the seaboard; the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack rooms; rent of quarters for officers; of barracks for troops at posts where there are no public buildings for their accommodation; of store houses for the safe keeping of subsistence, clothing, and other military supplies, and of grounds for summer cantonments, encampments, and military practice, one hundred thousand dollars;

For the allowance made to officers for the transportation of their baggage, when travelling on duty without troops, sixty thousand dollars;

Transportation of officers' baggage.

Transportation  
of troops and  
supplies.

For the transportation of troops, and supplies, viz: transportation of the army including the baggage of troops, when moving either by land or water; freight and ferriages; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for the purpose of transportation, or for the use of garrison; drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay department; expense of sailing a public transport between the posts on the Gulf of Mexico, and of procuring water at such posts as, from their situation, require it; the transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase, and the points of delivery under contracts, to such places as the circumstances of the service may require it to be sent; of ordnance from the foundries and arsenals to the fortifications and frontier posts, and of lead from the western mines to the several arsenals, the sum of two hundred and five thousand dollars;

Quartermas-  
ter's depart-  
ment.

For the incidental expenses of the quartermaster's department, consisting of postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge advocates, members, and witnesses; extra pay to soldiers, under an act of Congress of the second of March, eighteen hundred and nineteen; expenses of expresses from the frontier posts; of the necessary articles for the interment of non-commissioned officers and soldiers; hire of laborers; compensation to clerks in the offices of quartermasters and assistant quartermasters at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service, and the erection of additional stables, one hundred and two thousand dollars;

Contingencies.

For contingencies of the army, seven thousand dollars;

Extra pay.

For two months' extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service, thirty thousand nine hundred and twenty-seven dollars;

National ar-  
mories.

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

Armament of  
fortifications.

For the armament of the fortifications, one hundred thousand dollars;

Ordnance ser-  
vice.

For the current expenses of the ordnance service, one hundred thousand dollars;

Ordnance, &c.

For ordnance, ordnance stores, and supplies, one hundred and twenty thousand dollars;

Arsenals.

For arsenals, one hundred and fifty thousand dollars;

Springfield ar-  
mory.

For new machinery at the Springfield armory, twenty thousand dol-  
lars;

Allegany and  
Watertown ar-  
senals.

For the purchase of land at the Allegany and Watertown arsenals, three  
thousand five hundred dollars;

Drawing, &c.

For the expense of preparing drawings of a uniform system of artil-  
lery, and for other supplies in the Ordnance Department, three thou-  
sand eight hundred dollars;

Arrearages.

For arrearages prior to the 1st of July, eighteen hundred and fifteen,  
per act of the first of May, eighteen hundred and twenty, payable  
through the Third Auditor's Office, three thousand dollars;

Surveying, &c.  
military road.

For surveying and opening of the western frontier military road,  
being the balance of an appropriation carried to the surplus fund, fifty-  
two thousand one hundred and twenty-five dollars and sixty-seven cents.

Appropriations  
for fortifications.

SEC. 2. *And be it further enacted*, That the following sums be, and  
the same are hereby, appropriated, out of any money in the Treasury  
not otherwise appropriated, for the preservation, repairs, and construc-  
tion of certain fortifications and incidental expenses for the year eigh-  
teen hundred and thirty-nine, viz:

For preservation of Castle island, and repairs of Fort Independence, at Boston, twenty-five thousand dollars;	Castle island and Fort Independence.
For Fort Warren, at Boston, forty thousand dollars;	Fort Warren.
For Fort Adams, at Newport, ten thousand dollars;	Fort Adams.
For the fort at New London harbor, five thousand dollars;	New London harbor.
For Fort Schuyler, at New York, ten thousand dollars;	Fort Schuyler.
For repairs of Castle William and Fort Columbus, and officers' quarters, at New York, two thousand dollars;	Castle William, &c. at New York.
For Fort Delaware, ten thousand dollars. <i>Provided</i> , That no part of this appropriation shall be applied till the title of the said fortification shall be decided to be in the United States.	Ft. Delaware.
For Fort Monroe, ten thousand dollars;	Fort Monroe.
For Fort Calhoun, fifteen thousand dollars;	Fort Calhoun.
For Fort Caswell, five thousand dollars;	Fort Caswell.
For fortification in Charleston, South Carolina, and for the preservation of the site of Fort Moultrie, ten thousand dollars.	Fortification at Charleston.
For Fort Pulaski, at Savannah, fifteen thousand dollars.	Fort Moultrie.
For Fort Marion and sea-wall at St. Augustine, ten thousand dollars.	Fort Pulaski.
For fort on Foster's Bank, Pensacola, five thousand dollars.	Fort Marion.
For contingencies of fortifications, ten thousand dollars.	Fort on Foster's bank.
For incidental expenses attending the repairs of fortifications, and for the purchase of additional land in the neighbourhood, fifty thousand dollars;	Contingencies. Incidental expenses, &c.
For the fort at Grande Terre, being the amount of a former appropriation carried to the surplus fund, fifteen thousand dollars;	Ft. at Grande Terre.
For the preservation and repair of Fort Niagara, thirty thousand dollars;	Fort Niagara.
For repairing and rebuilding the old fort at Oswego, including the construction of the necessary barracks, twenty thousand dollars;	Fort at Oswego.
For barracks and other buildings at Sackett's Harbor, ten thousand dollars;	Sackett's Harbor.
For barracks and other buildings at Plattsburg, twenty thousand dollars;	Plattsburg.
For the construction of barracks, quarters, store-houses, hospitals and stable, and the necessary defences of the posts it may be deemed proper to establish for the better protection of the Western frontier, eighty thousand dollars.	Western frontier.
SEC. 3. <i>And be it further enacted</i> , That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year one thousand eight hundred and thirty-nine, viz:	Military Academy.
For pay of officers, cadets, and musicians, fifty-nine thousand two hundred and twenty-eight dollars;	Pay.
For subsistence of officers and cadets, forty thousand and four dollars;	Subsistence.
For forage of officers' horses, three thousand nine hundred and thirty-six dollars;	Forage of officers' horses.
For clothing of officers' servants, three hundred and ninety dollars;	Clothing of officers' servants.
For defraying the expenses of the board of visitors at West Point, two thousand dollars;	Board of visitors.
For fuel, forage, stationery, printing, transportation, and postage, twelve thousand five hundred and eighty-one dollars and forty-five cents;	Fuel, &c.
For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences, seven thousand two hundred and twenty-one dollars and sixty cents;	Repairs, &c.
For pay of adjutant's and quartermaster's clerks, nine hundred and fifty dollars;	Adjutant's and quartermaster's clerks.
For increase and expenses of the library, one thousand dollars;	Library.

Miscellaneous.	For miscellaneous items and incidental expenses, seven hundred and thirty-one dollars and fifty cents;
Engineering.	For the department of engineering, three hundred dollars;
Philosophy.	For the department of philosophy, twelve hundred dollars;
Mathematics.	For the department of mathematics, ninety-seven dollars and fifty-four cents;
Chemistry.	For the department of chemistry, eight hundred and twenty-seven dollars and fifty cents;
Drawing.	For the department of drawing, two hundred and eighty-five dollars;
Tactics.	For the department of tactics, three hundred and sixty dollars;
Artillery.	For the department of artillery, two hundred and seventy-five dollars;
Reservoir.	For a reservoir, three thousand one hundred and eighteen dollars;
Fire engines, &c.	For two fire-engines, with hose complete, one thousand nine hundred dollars;
Completion of buildings.	For the completion of the buildings, for the library and the engineering, philosophical, and chemical departments, in addition to the appropriation of eighteen hundred and thirty-eight, sixteen thousand six hundred and forty-nine dollars and fifty cents.
Payment for horses of Missouri volunteers.	SEC. 4. <i>And be it further enacted</i> , That payment shall be made, under the directions of the Third Auditor, to the Missouri volunteers, whose horses were lost, or cast away at sea, or which perished or died in consequence of suffering at sea, in the voyage from New Orleans to Tampa Bay, in the year eighteen hundred and thirty-seven; and that the sum of thirty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same hereby is, appropriated, to make said payments.
In cases of erroneous valuation, payment to be suspended.	And when it shall appear that erroneous valuations have been made of such property with a view to defraud the Government, the Secretary of War shall suspend payment therefor until a satisfactory investigation can be made, and it shall be made to appear that such valuation was made in good faith.

APPROVED, March 3, 1839.

### STATUTE III.

March 3, 1839.

[Obsolete.]

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

*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-nine in addition to the unexpended balances of former appropriations, viz :

Pay of officers and seamen.	For pay of commissioned, warrant, and petty officers, and of seamen, two millions three hundred and fifty-two thousand six hundred and twenty-five dollars and sixty-four cents;
Pay of sup'dts &c. at yards.	For pay of superintendents, naval constructors, and all the civil establishments at the several yards, forty-four thousand dollars;
Provisions.	For provisions, six hundred thousand dollars;
Repairs, &c.	For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, one million of dollars;
Medicines, &c.	For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, seventy-five thousand dollars;
Portsmouth navy yard.	For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, thirty thousand dollars;
Charlestown navy yard.	For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, twenty-six thousand dollars;
Brooklyn navy yard.	For improvement and necessary repairs of the navy yard at Brooklyn, New York, seven thousand five hundred dollars;
Philadelphia navy yard.	For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania, eight thousand dollars;

For the improvement and necessary repairs of the navy yard at Washington, twenty-six thousand dollars;	Washington navy yard.
For improvement and necessary repairs of the navy yard at Gosport, Virginia, sixty-four thousand dollars;	Gosport navy yard.
For improvement and necessary repairs of the navy yard near Pensacola, twenty-five thousand dollars;	Pensacola navy yard.
For ordnance and ordnance stores, sixty-five thousand dollars.	Ordnance, &c.
For defraying the expenses that may accrue for the following purposes, viz: for the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; traveling expenses of officers and transportation of seamen; house-rent for pursers when attached to yards and stations where no house is provided; for funeral expenses; for commissions, clerk-hire, office-rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts-martial and courts of inquiry; for printing and stationery of every description, and for working the lithographic press; and for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire-engines and machinery, and for the repair of steam-engines in navy yards; for the purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for taxes and assessments on public property; for assistance rendered to vessels in distress, for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil for the use of navy yards and shore stations; for repairs of magazines or powder-houses; and for no other purpose whatever, four hundred and fifty thousand dollars;	Miscellaneous expenses.
For contingent expenses for objects not hereinbefore enumerated, three thousand dollars;	Expenses.
For pay of the officers, non-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps, one hundred and seventy-four thousand three hundred dollars;	Pay of marine corps, &c.
For the provisions of the non-commissioned officers, musicians, and privates serving on shore, servants and washerwomen, forty-five thousand and fifty dollars;	Provisions.
For clothing, forty-three thousand six hundred and sixty dollars;	Clothing.
For fuel, sixteen thousand two hundred and seventy dollars;	Fuel.
For keeping the present barracks in repair until new ones can be erected, and for the rent of temporary barracks at New York, ten thousand dollars;	Repair of barracks, &c.
For the transportation of officers, non-commissioned officers, musicians and privates, and expenses of recruiting, six thousand dollars;	Transportation.
For medicines, hospital stores, surgical instruments, and pay of matron, four thousand one hundred and thirty-nine dollars;	Medicines, &c.
For contingent expenses of said corps, freight, ferriage, toll, wharfage, and cartage, per diem allowance for attending courts of inquiry, compensation to judge advocates, house rent where there are no public quarters assigned, incidental labor in the quartermaster's department, expenses of burying deceased persons belonging to the marine corps, printing, stationery, forage, postage on public letters, expenses in pursuing deserters, candles and oil for the different stations, straw for the men, barrack furniture, bed-sacks, spades, axes, shovels, picks, and carpenter's tools, seventeen thousand nine hundred and seventy-seven dollars;	Expenses.
For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores, two thousand dollars;	Military stores, &c.
For completing the hospital at New York, twenty thousand dollars;	Hospital at New York.



Naval asylum  
at Philadelphia.

For conveying Schuylkill water to the naval asylum at Philadelphia, and for all necessary repairs, nine thousand seven hundred and sixty dollars;

Hospital near  
Norfolk.

For current expenses of the hospital and its dependencies near Norfolk, one thousand five hundred dollars;

Hospital at  
Pensacola.

For completing the hospital buildings at Pensacola, and building a wharf for landing the sick, four thousand dollars.

Steam vessels  
of war.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy, under the direction of the President, to make preparations for, and to commence, the construction of three steam vessels of war, on such models as shall be most approved, according to the best advices they can obtain, or to complete the construction of one such vessel of war, upon a model so approved, as in the opinion of the President shall be best for the public interest, and most conformable to the demands of the public service; and that to enable the Department to carry into effect this requirement, a part of the sum already appropriated for the gradual improvement of the navy, equal to the sum of three hundred and thirty thousand dollars, shall be, and is hereby, directed to be subject to the disposition of the Department for this object, in case that amount can be diverted from that appropriation without a violation of existing contracts, and if that cannot be done consistently with the rights of contractors and the public interests, then so much of the said sum of three hundred and thirty thousand dollars as can be so diverted to this object, from the appropriation referred to, shall be subject to the disposition of the Secretary of the Navy for this purpose, and the residue of the said sum of three hundred and thirty thousand dollars shall be, and the same is hereby, appropriated, and shall be paid, out of any money in the Treasury not otherwise appropriated: and the said sum of three hundred and thirty thousand dollars, to be expended in the manner in this section prescribed, shall be in addition to any materials now on hand, applicable to the construction of the said steam vessels of war.

Appropriation.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. CCXXVI.—*An Act to provide for the erection of a new jail in the city of Washington, District of Columbia.*

New jail to be  
erected.

*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 and required to cause a new jail to be erected for the county of Washington, in the District of Columbia, on such site as he may select; and that, for the purpose of carrying this act into effect, the sum of thirty-one thousand dollars be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated: *Provided always*, That the said jail shall be built by contract, under the superintendence of the architect of public buildings, and that the cost shall in no event exceed the said sum of thirty-one thousand dollars.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. CCXXIX. — *An Act to extend the jurisdiction of the corporation of the city of Washington over the Potomac bridge.*

Bounds ex-  
tended. Corpo-  
ration empow-  
ered to adopt  
rules, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the bounds of the county of Washington, and of the corporation of the city of Washington, be, and the same are hereby, extended so far as to comprehend the causeway and bridge lately constructed from the said city across the river Potomac, to the opposite shore: and the said corporation are

hereby empowered to adopt and enforce such rules and regulations as they may deem necessary for the safety and security of property and of the persons passing the said causeway and bridge.

APPROVED, March 3, 1839.

## RESOLUTIONS.

No. 1. *Resolution authorizing an examination and payment of the claims of the workmen upon the public buildings.*

Jan. 18, 1839.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners appointed by the President of the United States to superintend the prosecution of the work in the construction of the new Treasury building, be, and they are hereby, authorized to examine the claims of the workmen to indemnity for the loss of their time during the suspension of the work upon said building, by order of the President of the United States, pending the question before Congress upon the bill reported by the Committee on Public Buildings, providing "for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department;" and that the said commissioners allow to such of said workmen, respectively, as were suspended from labor, during the pendency of said bill, with the encouragement and under an authorized assurance that, upon the decision thereof, their labor would again be required by the Government, and who, intermediately, had no opportunity of obtaining employment in the city of Washington, such reasonable indemnity for loss of wages for labor, during the suspension of the work, as, under the circumstances of their respective cases, justice and equity may require, not exceeding, however, in any case, the average rate of the earnings of such workmen in the employment of the Government for a like preceding period of time.

The commissioners appointed to superintend the construction of the new Treasury building, shall examine the claims of the workmen to indemnity, &c.

SEC. 2. *And be it further resolved,* That the Commissioner of Public Buildings be, and he hereby is, authorized to pay to the workmen respectively such sums of money as the commissioners aforesaid shall allow and certify pursuant to the foregoing resolution, out of any money in his hands appropriated by law to the construction of the new Treasury building.

Commissioner of public buildings to pay such sums, &c.

APPROVED, January 18, 1839.

No. 2. *A Resolution for the purchase of the island at the confluence of the St. Peters and Mississippi rivers.*

Feb. 13, 1839.

*Resolved 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 to contract with J. B. and J. Ferrihault, for the purchase of the island at the confluence of the St. Peters and Mississippi rivers, and to report his proceedings to Congress, subject to their approbation or rejection.

Sec. War to contract for the purchase, &c.

APPROVED, February 13, 1839.

No. 3. *A Resolution directing the manner in which certain laws of the District of Columbia shall be executed.*

Feb. 16, 1839.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the acts of the State of Maryland for securing titles to vacant land, which were continued in force by the act of Congress of the twenty-seventh of February, eighteen hundred and one, in that part of the District of Columbia which was ceded to the United States by that State, and which have heretofore been inoperative for the want of appropriate officers or authority in the

The acts of Maryland for securing land titles to vacant land, shall be executed, &c. by the Secretary of the Treasury, &c.

1801, ch. 15.

said District for their due execution, shall hereafter be executed, as regards lands in the county of Washington and without the limits of the city of Washington, by the Secretary of the Treasury through the General Land Office, where applications shall be made for warrants, which warrants shall be directed to the surveyor for the county of Washington; who shall make return to the Commissioner of the General Land Office; and payment for said land, according to the said laws of Maryland, shall be made to the Treasurer of the United States, whose certificate of such payment shall be presented to the Commissioner of the General Land Office, who shall thereupon issue in the usual form of patents for lands by the United States, a patent for such land to the person entitled thereto; and the Secretary of the Treasury shall make such regulations as he may deem necessary, and shall designate the officers who shall carry the said acts into effect: *Provided*, That any land which may have been ceded to, or acquired by the United States for public purposes shall not be affected by such acts.

Proviso.

APPROVED, February 16, 1839.

Feb. 28, 1839.

No. 4. *A Resolution authorizing certain certificates of deposit to be cancelled and reissued.*

Preamble.

Whereas sundry persons have deposited sums of money in the Treasury of the United States, under the provisions of the second section of the act making further provision for the sale of the public lands, approved twenty-fourth of April, eighteen hundred and twenty, and received certificates therefor, and, supposing the same to be assignable, have assigned the same, for a valuable consideration, to other persons; and whereas the said section is so construed by the Treasury Department, that such receipts or certificates are not available to the assignees; be it, therefore,

1820, ch. 51.

Certificates, on presentation, to be cancelled, and new ones issued.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Treasurer of the United States be, and he is hereby, authorized and required, on the presentation of any such certificate by an assignee or bona fide holder thereof, to allow said assignee or holder to surrender the same to be cancelled, and to issue a new certificate in the name of said assignee or holder, in lieu of the one so surrendered; which new certificate shall be received in payment for public lands, in the same manner as the original would have been had it not been transferred by the person who made the deposit; but the certificates to be issued under this resolution shall not be assignable.

APPROVED, February 28, 1839.

March 3, 1839.

No. 9. *A Resolution to authorize the purchase of an island in the river Delaware, called the Pea Patch, and for other purposes.*

Sec. War to take measures to try the title of the U. S. to Pea Patch isl. and—how.

If not in the U. S., authorized to purchase—how.

*Resolved 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 take all necessary measures to try the title of the United States to the island in the Delaware commonly called the Pea Patch, by submitting all the questions growing out of the conflicting claims of the United States and the individual claimants, to the courts of law; and if it shall appear to the satisfaction of the said Secretary, that the title is not vested in the United States, and that the possession thereof is indispensable to the public interests, he is hereby authorized to purchase the same from the legal owner or owners thereof, either by appraisement or such other manner as he may deem most expedient; subject to the approval of Congress.

APPROVED, March 3, 1839.