

BY AUTHORITY OF CONGRESS.

THE
Public Statutes at Large
OF THE
UNITED STATES OF AMERICA,

FROM THE

ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
ON THE SAME SUBJECT,

AND

COPIOUS NOTES OF THE DECISIONS

OF THE

Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN

INDEX TO THE CONTENTS OF EACH VOLUME,

AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH

*The Declaration of Independence, the Articles of Confederation, and
the Constitution of the United States;*

AND ALSO,

**TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.**

EDITED BY

RICHARD PETERS, ESQ.,

COUNSELLOR AT LAW.

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THE
LAWS OF THE UNITED STATES.

ACTS OF THE SIXTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the second day of December, 1799, and ended on the fourteenth day of May, 1800.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; SAMUEL LIVERMORE, President of the Senate pro tempore, on the 24th of December, 1799; URIAH TRACY, President of the Senate pro tempore, on the 14th of May, 1800; THEODORE SEDGWICK, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act for reviving and continuing suits and proceedings in the Circuit Court for the District of Pennsylvania.*

Dec. 24, 1799.

[Obsolete.]

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all suits, process and proceedings, of what nature or kind soever, which were pending in the Circuit Court of the United States, for the district of Pennsylvania, at the time appointed by law for holding a session thereof in October, one thousand seven hundred and ninety-nine, and which were discontinued by failure to hold the said court, shall be, and they are hereby revived and continued, and the same proceedings may and shall be had in the same court, in all suits and process aforesaid, and in all things relating to the same, as by law might have been had in the same court, had it been regularly holden, at the time aforesaid.

Proceedings which were discontinued by the failure to hold October session 1799, revived.

SEC 2. *And be it further enacted,* That all writs and other process, which may have been, and which shall be issued, by the clerk of the said court, bearing teste of April session or October session, one thousand seven hundred and ninety-nine, shall be held and deemed of the same validity and effect, as if the same court had been regularly held on the eleventh day of October, one thousand seven hundred and ninety-nine.

Teste of writs.

SEC 3. *And be it further enacted,* That it shall be lawful for the judge of the district court of the district of Pennsylvania, to direct the clerk of the said circuit court to issue such process, for the purpose of causing jurors to be summoned to attend at the session of the said circuit court, on the eleventh day of April next, as hath heretofore been issued for the like purposes, returnable to any preceding session thereof; and the persons so summoned shall, in case of non-attendance, be liable to the same penalties as if such process had been issued in the ordinary course of proceeding.

Jurors may be summoned for next April term.

Penalties for non-attendance.

APPROVED, December 24, 1799.

STATUTE I.

Jan. 2, 1800.

[Obsolete.]

CHAP. II.—*An Act extending the privilege of franking to William Henry Harrison, the delegate from the territory of the United States, northwest of the Ohio; and making provision for his compensation.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William Henry Harrison, the delegate to Congress from the territory of the United States northwest of the river Ohio, be entitled to the privilege of sending and receiving letters free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act, intituled "An act to establish the post-office and post roads within the United States."*

1799, ch. 43,
sec. 17.

1796, ch. 4.

SEC. 2. *And be it further enacted, That the said William Henry Harrison shall receive for his travelling expenses and attendance in Congress, the same compensation as is or may be allowed by law, to the members of the House of Representatives of the United States, to be certified and paid in like manner.*

APPROVED, January 2, 1800.

STATUTE I.

Jan. 2, 1800.

[Obsolete.]

Act of July
9, 1798.

Commissioners may vary the valuations in subdivisions of assessment districts.

CHAP. III.—*An Act supplementary to the act, intituled "An act to provide for the valuation of Lands and Dwelling-houses, and the enumeration of Slaves, within the United States." (a)*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners appointed under the act to which this is a supplement, shall have power, on consideration and examination of the lists, returns, valuations and abstracts rendered by the assessors, to revise, adjust and vary the valuations of lands and dwelling-houses in each and every subdivision of the several assessment districts, by adding thereto, or deducting therefrom, such a rate per centum as shall appear to be just and reasonable: *Provided*, that the relative valuations of the different lots or tracts of land, or dwelling-houses in the same subdivision, shall not be changed or affected.*

They may direct the variations to be made out by their clerk, &c.

SEC. 2. *And be it further enacted, That the said commissioners may direct the additions or deductions as aforesaid, to be made out and completed by the several principal assessors, or if they shall deem it more advisable, by their clerk and such assistants as they shall find necessary, and appoint for that purpose: *Provided*, that the compensation to be made to the said assistants shall not exceed the pay allowed to the assistant assessors, by the act to which this is a supplement.*

APPROVED, January 2, 1800.

STATUTE I.

Jan. 6, 1800.

Prisoners entitled to the limits of gaols as persons confined under process from state courts.

CHAP. IV.—*An Act for the relief of persons imprisoned for Debt. (b)*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons imprisoned on process issuing from any court of the United States, as well at the suit of the United States as at the suit of any person or persons in civil actions, shall be entitled to like privileges of the yards or limits of the respective gaols, as persons confined in like cases on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions.*

(a) Act of July 9, 1798, chap. 70.

(b) Act of May 28, 1796, chap. 38; act of June 6, 1798, chap. 49; act of January 7, 1824, chap. 3.

SEC. 2. *And be it further enacted,* That any person imprisoned on process of execution issuing from any court of the United States in civil actions, except at the suit of the United States, may have the oath or affirmation hereinafter expressed, administered to him by the judge of the district court of the United States, within whose jurisdiction the debtor may be confined; and in case there shall be no district judge residing within twenty miles of the gaol wherein such debtor may be confined, such oath or affirmation may be administered by any two persons who may be commissioned for that purpose by the district judge: The creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice by a citation served on him, issued by the district judge, to appear at the time and place therein mentioned, if he see fit to show cause why the said oath or affirmation should not be so administered: At which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shown, or doth from examination appear to the contrary, he or they may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz. "You solemnly (swear or affirm) that you have no estate, real or personal, in possession, reversion or remainder, to the amount or value of thirty dollars, other than necessary wearing apparel; and that you have not, directly or indirectly, given, sold, leased, or otherwise conveyed to, or intrusted any person or persons with all or any part of the estate, real or personal, whereof you have been the lawful owner or possessor, with any intent to secure the same, or to receive or expect any profit or advantage therefrom, or to defraud your creditors, or have caused or suffered to be done any thing else whatsoever, whereby any of your creditors may be defrauded." Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison-keeper, and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor. And the judge or commissioners, in addition to the certificate by them made and delivered to the prison-keeper, shall make return of their doings to the district court, with the commission, in cases where a commission hath been issued, to be kept upon the files and record of the same court. And the said judge, or commissioners, may send for books and papers, and have the same authority as a court of record, to compel the appearance of witnesses, and administer to them, as well as to the debtor, the oaths or affirmations necessary for the inquiry into, and discovery of the true state of the debtor's property, transactions and affairs.

SEC. 3. *And be it further enacted,* That when the examination and proceedings aforesaid, in the opinion of the said judge or commissioners, cannot be had with safety or convenience in the prison wherein the debtor is confined, it shall be lawful for him or them, by warrant under his or their hand and seals, to order the marshal or prison-keeper, to remove the debtor to such other place convenient and near to the prison as he or they may see fit; and to remand the debtor to the same prison, if upon examination or cause shown by the creditor, it shall appear that the debtor ought not to be admitted to take the above recited oath or affirmation, or that he is holden for any other cause.

SEC. 4. *And be it further enacted,* That if any person shall falsely take any oath or affirmation, authorized by this act, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And in case any false

Prisoners in execution may have an oath of insolvency administered to them by the District Judge,

or by commissioners.

If no cause is shown to the contrary,

on making oath or affirmation,

they shall be discharged.

Proceedings to be filed in district court.

Powers of the judge and commissioners, to send for books and papers.

Debtor may be removed to facilitate proceedings, and may be remanded.

Penalty on taking a false oath or affirmation.

1790, ch. 9, sec. 18.

1798, ch. 49, sec. 2.

oath or affirmation be so taken by the debtor, the court, upon the motion of the creditor, shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

Thirty days after judgment, debtor imprisoned may take the benefit of this act, although no execution is sued out.

SEC. 5. *And be it further enacted,* That any person imprisoned upon process issuing from any court of the United States, except at the suit of the United States, in any civil action, against whom judgment has been or shall be recovered, shall be entitled to the privileges and relief provided by this act, after the expiration of thirty days from the time such judgment has been or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith.

APPROVED, January 6, 1800.

STATUTE I.

Jan. 17, 1800.

CHAP. V.—*An Act for the preservation of peace with the Indian tribes.*(a)

[Expired.]

Penalty on correspondence with the Indians, to produce infraction of treaties, or disturb the peace of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any citizen or other person residing within the United States, or the territory thereof, shall send any talk, speech, message or letter to any Indian nation, tribe, or chief, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquillity of the United States, he shall forfeit a sum not exceeding two thousand dollars, and be imprisoned not exceeding two years.

Penalty on the bearers of such correspondence.

SEC. 2. *And be it further enacted,* That if any citizen or other person shall carry or deliver any such talk, speech, message or letter, to or from any Indian nation, tribe, or chief, from or to any person or persons whatsoever, residing within the United States; or from or to any subject, citizen or agent of any foreign power or state, knowing the contents thereof, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Penalty on certain correspondence with a foreign power, in relation to the Indians—and on attempting to alienate their confidence.

SEC. 3. *And be it enacted,* That if any citizen or other person, residing or being among the Indians, or elsewhere, within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, or chief, to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate the confidence of the Indians from the government of the United States, or from any such person or persons as are, or may be employed and entrusted by the President of the United States, as a commissioner or commissioners, agent or agents, or in any capacity whatever, for facilitating or preserving a friendly intercourse with the Indians, or for managing the concerns of the United States with them, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Certain provisions of a former act applied to this.

Vol. i. 743.

SEC. 4. *And be it further enacted,* That the provisions of the act, intituled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed the third day of March, one thousand seven hundred and ninety-nine, be, and the same are hereby extended to carry into effect this act, and for the trial and punishment of offences against it, in the same manner as if they were herein specially recited.

Limitation.

SEC. 5. *And be it further enacted,* That this act shall continue and

(a) Act of March 3, 1799, chap. 46, sec. 105; act of March 30, 1802, chap. 13; act of April 29, 1816; act of March 3, 1817, chap. 43; act of May 6, 1822, chap. 58.

be in force until the third day of March, in the year one thousand eight hundred and two, and no longer.

APPROVED, January 17, 1800.

STATUTE I.

CHAP. VI.—*An Act to repeal part of an act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned, and to continue in force the residue of the same."*(a)

Feb. 11, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth section of an act intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven, shall be, and the same is hereby repealed, and the residue of the said act shall be, and the same is hereby continued in full force without limitation of time.

Vol. i. 506.

APPROVED, February 11, 1800.

STATUTE I.

CHAP. VIII.—*An Act giving further time to the holders of Military Warrants, to register, and locate the same.*

Feb. 11, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall, for the space of fourteen days after the expiration of the nine months heretofore allowed for that purpose, by the act, intituled "An act regulating the grants of land, appropriated for military services, and for the society of the United Brethren for propagating the Gospel among the Heathen," register warrants for military services in the form and manner as is prescribed by the said recited act; and the priority of location of said warrants, and the warrants registered under the said recited act shall be determined by lot, immediately after the expiration of the said fourteen days, and a day for the location shall be fixed by the Secretary of the Treasury, in a public notice given in one of the gazettes of the city of Philadelphia.

[Obsolete.]

1796, ch. 46.

APPROVED, February 11, 1800.

STATUTE I.

CHAP. IX.—*An Act to suspend in part, an act, intituled "An act to augment the Army of the United States; and for other purposes."*

Feb. 20, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all further enlistments under the second section of an act, intituled "An act to augment the army of the United States, and for other purposes," shall be suspended until the further order of Congress, unless in the recess of Congress, and during the continuance of the existing differences between the United States and the French Republic, war shall break out between the United States and the French Republic, or imminent danger of invasion of their territory by the said Republic, shall, in the opinion of the President of the United States, be discovered to exist.

[Obsolete.]

Vol. i. 604.

APPROVED, February 20, 1800.

STATUTE I.

CHAP. X.—*An Act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.*(b)

Feb. 27, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all com-

[Expired.]

(a) Act of March 3, 1797, chap. 13.

(b) Act of February 9, 1799, chap. 2.

Intercourse
suspended.

mercial intercourse between any person or persons resident within the United States or under their protection, and any person or persons resident within the territories of the French Republic, or any of the dependencies thereof, shall be, and from and after the second day of March next, is hereby prohibited and farther suspended, excepting only in the cases hereinafter provided. And any ship or vessel, owned, hired, or employed wholly or in part by any person or persons resident within the United States, or any citizen or citizens thereof resident elsewhere, and sailing therefrom after that day, which contrary to the intent herof, shall be voluntarily carried, or shall be destined or permitted to proceed, or shall be sold, bartered, entrusted or transferred, for the purpose that she may proceed, whether directly or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; or shall be engaged in any traffic or commerce, by or for any person resident within the territories of that Republic, or within any of the dependencies thereof; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States, having competent jurisdiction.

On clearing
other than cer-
tain foreign ves-
sels for a fore-
ign voyage, se-
curity to be
given.

SEC. 2. *And be it further enacted,* That excepting for foreign ships or vessels owned, hired, and employed by persons permanently residing in Europe, and commanded and wholly navigated by foreigners, no clearance for a foreign voyage shall be granted to any ship or vessel whatever, until the owner or the employer for the voyage, or if not resident within the district where the clearance shall be required, his factor or agent, with the master and one or more sufficient surety or sureties, to the satisfaction of the collector of the district, shall give bond to the United States; such owner, employer, or factor, with the master, in a sum equal to the value of the vessel, and of one third of her cargo; and such surety or sureties in a like sum, when it shall not exceed ten thousand dollars; and if it shall exceed, then in that sum, with condition that the ship or vessel for which a clearance shall be required, is actually destined, and shall proceed to some port or place without the limits or jurisdiction of the French Republic, or any of the dependencies thereof, and during the intended voyage shall not be voluntarily carried, or permitted to proceed or sold, entrusted or transferred, with the purpose that she may proceed whether directly, or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; and shall not, at any such port or place, voluntarily deliver or unlade any part of such cargo; and if compelled by distress of weather, or taken by force into any such port or place, will not there receive on board of such ship or vessel, any goods, produce, or merchandise, other than necessary sea stores; and generally, that such ship or vessel shall not be employed in any traffic or commerce, with or for any person resident within the territory of the French Republic, or any of the dependencies thereof.

Master of a
vessel going to
a French port
and unlading,
by compulsion,
may receive
payment in
money or bul-
lion, &c.

SEC. 3. *Provided, and be it further enacted,* That when any ship or vessel which shall obtain a clearance for a foreign voyage, after a bond shall be given as aforesaid, shall be compelled by distress of weather, or other casualty endangering the safety of such ship or vessel, or of the mariners on board the same, or shall be taken by any armed vessel, or other superior force, into any port or place within the territories of the French Republic, or any of the dependencies thereof, and shall there necessarily unlade and deliver, or shall be deprived of any cargo then on board, then, and in such case, the master or other person having charge of such ship or vessel, may receive compensation or payment in bills of exchange, or in money or bullion, for such cargo, but not otherwise,

and shall not be understood thereby to contravene this law, or to incur a forfeiture of the said bond.

SEC. 4. *And be it further enacted*, That no ship or vessel coming from any port or place within the territories of the French Republic, or any of the dependencies thereof, whether with or without a cargo, or from any other port or place, with a cargo on board obtained for, or laden on board of such vessel at any port or place within the said territories or dependencies, which shall arrive within the limits of the United States after the said second day of March next, shall be admitted to an entry with the collector of any district; and each and every such ship or vessel which shall arrive as aforesaid, having on board any goods, wares or merchandise, destined to be delivered within the United States, contrary to the intent of this act, or which shall have otherwise contravened the same, together with the cargo which shall be found on board, shall be forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction: *Provided*, that nothing herein contained shall be construed to prohibit the entry of any vessel having a passport granted under the authority of the French Republic, and solely employed for purposes of political or national intercourse with the government of the United States, and not in any commercial intercourse, and which shall be received, and permitted by the President of the United States to remain within the same: *And provided also*, that until the first day of August next, and no longer, any ship or vessel, wholly owned or employed by a foreigner, other than any person resident in France, or in any of the dependencies of the French Republic, and which coming therefrom shall be destined to the United States, and shall arrive within the same, not having otherwise contravened this act, shall be required and permitted to depart therefrom, and in case she shall accordingly depart, without any unreasonable delay, and without delivery, or attempting to deliver, any cargo or lading within the United States, such ship or vessel, or any cargo which may be on board the same, shall not be liable to the forfeiture aforesaid.

SEC. 5. *And be it further enacted*, That if any ship or vessel, coming from any port or place within the territories of the French Republic, or any of the dependencies thereof, or with any cargo there obtained on board, but not destined to any port or place within the United States, shall be compelled by distress of weather, or other necessity, to put into any port or place within the limits of the United States, such ship or vessel shall be there hospitably received in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage;" and shall be permitted to make such repairs, and to obtain such supplies as shall be necessary to enable her to proceed according to her destination; and such repairs and supplies being obtained, shall be thereafter required and permitted to depart. But if such ship or vessel shall not conform to the regulations prescribed by the act last mentioned, or shall unlade any part of her cargo, or shall take on board any cargo or supplies whatever, without the permit of the collector of the district previously obtained therefor, or shall refuse, or unreasonably delay to depart from and out of the United States, after having received a written notice to depart, which such collector may, and shall give, as soon as such ship or vessel shall be fit for sea; or having departed shall return to the United States, not being compelled thereto by further distress or necessity, in each and every such case, such ship or vessel and her cargo shall be forfeited and may be seized, and condemned in any court of the United States having competent jurisdiction.

SEC. 6. *And be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, by his order to remit and discontinue for the time being, whenever he shall deem it expedient, and for the interest of the United States, all or any

Forfeiture of vessel and cargo coming from a French port, or from an intermediate port, &c.

Exceptions.

Treatment of vessels coming from a French port or with a cargo therein obtained, and putting in through stress of weather, &c.

Vol. i. 627.

The President may remit the prohibition of intercourse and renew it again.

of the restraints and prohibitions imposed by this act, in respect to the territories of the French Republic, or to any island, port or place belonging to the said Republic, with which in his opinion a commercial intercourse may be safely renewed; and also it shall be lawful for the President of the United States, whenever he shall afterwards deem it expedient, to revoke such order, and hereby to re-establish such restraints and prohibitions. And the President of the United States shall be, and he is hereby authorized, to make proclamation thereof accordingly.

How Hispaniola shall be considered under this act.

SEC. 7. *And be it further enacted*, That the whole of the island of Hispaniola shall for the purposes of this act be considered as a dependency of the French Republic: *Provided*, that nothing herein contained shall be deemed to repeal or annul in any part, the order or proclamation of the President of the United States, heretofore issued for permitting commercial intercourse with certain ports of that island.

President may instruct the public armed ships to stop vessels contravening this act.

SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the public armed vessels of the United States, to stop and examine any ship or vessel of the United States on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to this act, and if upon examination, it shall appear that such ship or vessel is bound or sailing to, or from any port or place, contrary to the true intent and meaning of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest convenient port of the United States, to be there prosecuted in due course of law, and held liable to the penalties and forfeitures provided by this act.

Penalties may be mitigated, &c.

SEC. 9. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, shall, and may be examined, mitigated and remitted in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating, or remitting, the forfeitures, penalties and disabilities accruing in certain cases therein mentioned;" and all penalties and forfeitures, which may be recovered in pursuance of this act in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intituled "An act for the government of the navy of the United States;" and all other penalties arising under this act, and which may be recovered, shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage."

Vol. i. 506.
Distribution of penalties.

Vol. i. 715.

Vol. i. 697.

President may grant permission to enter and clear in certain cases.

SEC. 10. *And be it further enacted*, That nothing contained in this act shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter and clear; provided such ship or vessel shall be solely employed, pursuant to such permission, for purposes of national intercourse; and shall not be permitted to proceed with, or to bring to the United States any cargo or lading whatever other than necessary sea-stores.

Former act continued in part.

Vol. i. 613.

SEC. 11. *And be it further enacted*, That the act, intituled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof," shall be, and is hereby continued and shall be taken to be in force in respect to all offences, which shall have been committed against the same, before the expiration thereof; and to the intent that all seizures, forfeitures and penalties arising upon such offences, may be had, sued for, prosecuted and recovered, any limitation of the said act to the contrary hereof notwithstanding.

Limitation of this act.

SEC. 12. *And be it further enacted*, That this act shall be and remain in force until the third day of March, one thousand eight hundred and one: *Provided, however*, the expiration thereof shall not prevent or

defeat any seizure, or prosecution for a forfeiture incurred under this act, and during the continuance thereof.

APPROVED, February 27, 1800.

STATUTE I.

Feb. 28, 1800.

[Obsolete.]

Marshals of the districts and secretaries of the territories to cause an enumeration to be taken.

Indians not taxed not to be enumerated.

They may appoint assistants.

Oath to be taken by the marshals, secretaries and their assistants.

1800, ch. 23.

Commencement and close of the enumeration.

Assistants to make returns.

CHAP. XII.—*An Act providing for the second Census or enumeration of the Inhabitants of the United States.*(a)

SECTION I. *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 the secretaries of the territory of the United States northwest of the river Ohio, and of the Mississippi territory, respectively, shall be, and they are hereby authorized and required, under the direction of the Secretary 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 to be taken; omitting in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years from all others; distinguishing also the sexes and colours of free persons and the free males under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards: and distinguishing free females under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards: for effecting which purpose, the marshals and secretaries aforesaid shall have power to appoint as many assistants within their respective districts and territories, as aforesaid, as to them shall appear necessary; assigning to each assistant a certain division of his district or territory, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water-courses, mountains or public roads. The marshals or secretaries, as the case may be, and their assistants, shall, respectively, take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts or territories, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal or secretary shall be,—“I, A. B., marshal of the district of (or secretary of the territory of as the case may be), do solemnly swear or affirm, that I will well and truly cause to be made, a just 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, intituled ‘an act providing for the enumeration of the inhabitants of the United States,’ according to the best of my ability.” The oath or affirmation of an assistant shall be,—“I, A. B., do solemnly swear, (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of (or the secretary of the territory of as the case may be), and make due return thereof to the said marshal, or secretary, agreeably to the directions of an act of Congress, intituled ‘an act providing for the enumeration of the inhabitants of the United States,’ according to the best of my abilities.” The enumeration shall commence on the first Monday of August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshal or secretaries, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule, distinguishing in each county, parish, town-

(a) See note to act of March 1, 1790, chap. 22, Vol. i. 101.

Form of returns.

ship, town or city, the several families, by the names of their master, mistress, steward, overseer or other principal person therein, in the manner following; that is to say: the number of persons within my division, consisting of _____ appears in a schedule hereto annexed, subscribed by me this _____ day of _____ A. B., assistant to the marshal of _____ or to the secretary of _____

Schedule of the whole number of persons within the division allotted to A. B.

Name of county, parish, township, town, or city where the family resides.	Name of head of family.	Free white males under ten years of age.	Free white males of ten and under sixteen.	Free white males of sixteen and under twenty-six, including heads of families.	Free white males of twenty-six and under forty-five, including heads of families.	Free white males of forty-five and upwards, including heads of families.	Free white females under ten years of age.	Free white females of ten years and under sixteen.	Free white females of sixteen and under twenty-six, including heads of families.	Free white females of twenty-six and under forty-five, including heads of families.	Free white females of forty-five and upwards, including heads of families.	All other free persons, except Indians, not taxed.	Slaves.

Penalty on assistants making no return, or a false one.

SEC. 2. *And be it further enacted,* That every assistant, failing to make a proper return, or making a false return of the enumeration to the marshal or the secretary (as the case may be) within the time by this act limited, shall forfeit the sum of two hundred dollars.

Marshals and secretaries to file their assistants' returns with the clerks of certain courts, and make aggregate returns to the Secretary of State.

SEC. 3. *And be it further enacted,* That the marshal and secretaries shall file the several returns aforesaid, with the clerks of their respective district or superior courts (as the case may be) who are hereby directed to receive and carefully preserve the same: and the marshals, or secretaries, respectively, shall, on or before the first day of September, one thousand eight hundred and one, transmit to the Secretary of State, the aggregate amount of each description of persons within their respective districts or territories. And every marshal or secretary failing to file the returns of his assistants or any of them, with the clerks of their respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, 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 eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or territories where the offences shall be committed, or in the circuit courts to be 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 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 sessions, 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 to be laid before them for their inspection.

Certain judges to give this act in charge to the grand juries.

Compensation to assistants.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar, for every hundred persons by him returned, where such persons reside in the country, and where such persons reside in a city or town, containing more than three thousand persons, such

assistant shall receive at the rate of one dollar for every three hundred persons, but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred persons shall be insufficient, the marshals or secretaries, 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 one dollar for every fifty persons by them returned. The several marshals and secretaries shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars; the marshal of the district of Tennessee, two hundred dollars; the secretary of the territory of the United States northwest of the Ohio, two hundred dollars; the secretary of the Mississippi territory, one hundred dollars.

Compensation
to the marshals.

SEC. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family, and the name of every person, who shall be an inhabitant of any district or territory, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families in that division where he or she shall be, on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he or she usually resides in the United States.

How transient
persons and ab-
sentees are to
be returned.

SEC. 6. *And be it further enacted*, 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 such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and 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 by such assistant, the one half for his own use and the other half to the use of the United States.

Free persons
above sixteen
years old to give
information to
the assistants.

SEC. 7. *And be it further enacted*, That each assistant shall, previous to making his returns to the marshal or secretary (as the case may be) 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 two dollars; provided, proof of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal or secretary (as the case may be) with the return of the number of the persons, and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

Assistants to
post up their
schedules of the
number of in-
habitants, &c.

Secretary of State to give instructions for carrying this act into effect, &c.

SEC. 8. *And be it further enacted*, That the Secretary of State shall be, and hereby is authorized and required to transmit to the marshals of the several states and to the secretaries aforesaid, regulations and instructions pursuant to this act, for carrying the same into effect, and also the forms contained therein of schedule to be returned, and proper interrogatories to be administered by the several persons who shall be employed therein.

APPROVED, February 28, 1800.

STATUTE I.

March 1, 1800.

CHAP. XIII.—*An Act in addition to an act intituled "An act regulating the grants of land appropriated for Military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."*(a)

Points of intersection of the lines actually run are to be considered as the corners of townships.

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Boundaries of quarter townships, where they are stated to contain four thousand acres.

Boundaries of quarter townships, where they are stated to contain more or less than four thousand acres.

Method of running lines.

Locations may be made on the general tract by the holders of warrants for military services.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the respective points of intersection of the lines actually run, as the boundaries of the several townships surveyed by virtue of the act intituled "An act regulating the grants of land appropriated for military services and for the society of the United Brethren for propagating the Gospel among the Heathen," accordingly as the said lines have been marked and ascertained at the time when the same were run, notwithstanding the same are not in conformity to the act aforesaid, or shall not appear to correspond with the plat of the survey which has been returned by the Surveyor General, shall be considered, and they are hereby declared to be the corners of the said townships: That in regard to every such township as by the plat and survey returned by the Surveyor General is stated to contain four thousand acres in each quarter thereof, the points on each of the boundary lines of such township, which are at an equal distance from those two corners of the same township, which stand on the same boundary line, shall be considered and they are hereby declared to be corners of the respective quarters of such township; that the other boundary lines of the said quarter townships shall be straight lines run from each of the last mentioned corners of quarter townships to the corner of quarter townships on the opposite boundary line of the same township; and that in regard to every such township as by the said return is stated to contain in any of the quarters thereof more or less than the quantity of four thousand acres, the corners marked in the boundary lines of such township to designate the quarters thereof, shall be considered and they are hereby declared to be the corners of the quarter townships thereof, although the same may be found at unequal distances from the respective corners of such townships: And such townships shall be divided by running lines through the same from the corners of the quarter townships actually marked, whether the interior lines thus extended shall be parallel to the exterior lines of the said township or not; and that each of the said quarter townships thus bounded, shall, in every proceeding to be had under the above-mentioned or this act, be considered as containing the exact quantity expressed in the plat and survey thereof returned by the Surveyor General.

SEC. 2. *And be it further enacted*, That it shall be lawful for the proprietors or holders of warrants for military services, which have been, or shall be registered at the treasury in pursuance of the act intituled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen," during the time, in the manner, and according to the rights of priority, which may be acquired in pursuance of said act, to locate the quantities of land mentioned in the warrants by them respectively registered, as aforesaid, on any quarter township or fractional part

(a) Act of June 1, 1796, chap. 46; act of March 2, 1799, chap. 29; act of April 26, 1802, chap. 30.

of a quarter township, in the general tract mentioned and described in said act: *Provided always*, that the fractional quarter townships upon the river Sciota, and those upon the river Muskingum adjoining the grant made to Ebenezer Zane, or the towns Salem, Gnadenhutzen or Shoenbrun, or the Indian boundary line, shall in every case be accepted and taken in full satisfaction for four thousand acres.

SEC. 3. *And be it further enacted*, That whenever locations shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the Surveyor General, is stated to contain less than the quantity of four thousand acres, except in the case of fractions provided for in the preceding section, it shall be lawful for the Secretary of the Treasury to issue, or cause to be issued, certificates, expressing the number of acres remaining unsatisfied of any registry of warrants for the quantity of four thousand acres, made in pursuance of the act before recited, which certificates shall have the same validity and effect, and be liable to be barred in like manner as warrants granted for military services, but no certificate shall be granted, nor any claim allowed for less than fifty acres, nor for the navigable water contained within the limits of any quarter township or fractional quarter township.

SEC. 4. *And be it further enacted*, That whenever a location shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the Surveyor General, is stated to exceed the quantity of four thousand acres, no patent shall be issued in pursuance thereof, until the person making such location, shall deposit at the treasury, warrants for military services or certificates issued by virtue of the preceding section, equal to the excess above four thousand acres, contained in such quarter township, or shall pay into the treasury of the United States two dollars per acre, in the certificates of the six per cent. funded debt of the United States, or money, for each acre of the excess above four thousand acres as aforesaid.

SEC. 5. *And be it further enacted*, That after the priority of location shall have been determined, and after the proprietors or holders of warrants for military services shall have designated the tracts by them respectively elected; it shall be the duty of the Secretary of the Treasury to designate by lot, in the presence of the Secretary of War, fifty quarter townships, of the lands remaining unlocated, which quarter townships, together with the fractional parts of townships remaining unlocated, shall be reserved for satisfying warrants granted to individuals for their military services, in the manner hereafter provided.

SEC. 6. *And be it further enacted*, That the land in each of the quarter townships designated as aforesaid, and in such of the fractional parts of quarter townships, as may then remain unlocated, shall be divided by the Secretary of the Treasury, upon the respective plats thereof, as returned by the Surveyor General, into as many lots, of one hundred acres each, as shall be equal, as nearly as may be, to the quantity such quarter township or fraction is stated to contain; each of which lots shall be included, where practicable, between parallel lines, one hundred and sixty perches in length, and one hundred perches in width, and shall be designated by progressive numbers upon the plat, or survey of every such quarter township and fraction respectively.

SEC. 7. *And be it further enacted*, That from and after the sixteenth day of March next, it shall be lawful for the holder of any warrant granted for military services, to locate, at any time before the first day of January, one thousand eight hundred and two, the number of hundred acres expressed in such warrant, on any lot or lots, from time to time, remaining unlocated within the tracts reserved as aforesaid, and upon surrendering such warrant to the treasury, the holder thereof shall be entitled to receive a patent in the manner, and upon the conditions heretofore prescribed by law; which patent shall in every case

Certain fractional quarter townships to be taken for four thousand acres.
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When locations are made on quarter townships stated to contain less than four thousand acres, the Secretary of Treasury shall cause certificates to be issued for the deficiency.

What is to be done when they are made on quarter townships stated to contain more than four thousand acres.

Land at two dollars per acre.

Reservations for satisfying warrants granted to individuals for their services.

Reservations to be divided into lots of one hundred acres.

Manner in which they shall be surveyed.

Holders of such warrants may make locations on those lots, and receive patents to their own use only, after 16th March, 1800, and before Jan. 1st, 1802.
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Upon surrender of warrant shall receive patent.

Where locations are made on the same tract, priority to be determined by lot.

Public notice to be given of the reservations by the Secretary of the Treasury.

The plat returned by the Surveyor General to be conclusive as to quantity.

express the range, township, quarter township or fraction, and number of the lot located as aforesaid. But no location shall be allowed, nor shall any patent be issued for any lot or lots of one hundred acres, except in the name of the person originally entitled to such warrant, or the heir or heirs of the person so entitled; nor shall any land, so located and patented, to a person originally entitled to such warrant, be considered as in trust for any purchaser, or be subject to any contract made before the date of such patent, and the title to lands acquired, in consequence of patents issued as aforesaid, shall and may be alienated in pursuance of the laws, which have been, or shall be passed in the territory of the United States, northwest of the river Ohio, for regulating the transfer of real property, and not otherwise.

SEC. 8. *And be it further enacted*, That in all cases after the sixteenth of March next, where more than one application is made for the same tract, at the same time, under this act, or under the act to which this is in addition, the Secretary of the Treasury shall determine the priority of location by lot.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to advertise the tracts which may be reserved for location, in lots of one hundred acres, in one newspaper in each of the states, and in the territory aforesaid, for and during the term of three months.

SEC. 10. *And be it further enacted*, That the actual plat and survey, returned by the Surveyor General, of quarter townships and fractional parts of quarter townships, contained in the tract mentioned and described in the act to which this is a supplement, shall be considered as final and conclusive, so far as relates to the quantity of land supposed to be contained in the quarter townships, and fractions, so that no claim shall hereafter be set up against the United States, by any proprietor, or holder of warrants for military services, on account of any deficiency in the quantity of land contained in the quarter township or fractional part of a quarter township, which shall have been located by such proprietor or holder, nor shall any claim be hereafter set up by the United States, against such proprietor or holder, on account of any excess in the quantity of land contained therein.

APPROVED, March 1, 1800.

STATUTE I.

March 3, 1800.

CHAP. XIV.—*An Act providing for Salvage in cases of Recapture.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any

(a) Salvage on recapture. Salvage is a compensation for actual services rendered in saving the property charmed with it; and it is demandable of right for vessels saved from the enemy, or from pirates. There must be meritorious services, and the taking must be lawful. *Talbot v. Seaman*, 1 Cranch, 1; 1 Cond. Rep. 229.

On the recapture of a vessel by a neutral vessel, no claim for salvage can arise, for the recapture was a hostile act, not justified by the situation of the nation to which the recapturing vessel belongs, in relation to that from the possession of which the recaptured vessel was taken. The degree of service rendered in such a case, is precisely the same as if it had been rendered by a belligerent; yet the rights accruing from the recapture are different, because no right can accrue from an act which was unlawful. *Ibid.*

American property recaptured was restored on payment of salvage; the libel having prayed the condemnation as prize, and no salvage having been claimed. The question of salvage is incident to the question of prize. *The Adeline*, 9 Cranch, 244; 3 Cond. Rep. 397.

In order to entitle to salvage, as upon a recapture or rescue, the property must have been in possession of the enemy, either actual or constructive. *The Ann Green*, 1 Gallis. C. C. R. 274.

Salvage is not due for "rescuing a vessel of a neutral out of the hands of a belligerent, who has taken possession for a supposed violation of a treaty or the law of nations." *The Antelope*, Bee's D. C. R. 233.

An American vessel was captured by an enemy, and after condemnation and sale to an enemy, was recaptured by an American privateer. The original owner claimed the vessel, offering to allow salvage. Held: that it was not a case for salvage, under the act of March 3, 1800, or the act of June 26, 1812. The property had become completely divested by the capture and condemnation. *The Star*, 3 Wheat. 78; 4 Cond. Rep. 198.

vessel other than a vessel of war or privateer, or when any goods which shall hereafter be taken as prize by any vessel, acting under authority from the government of the United States, shall appear to have before belonged to any person or persons, resident within or under the protection of the United States, and to have been taken by an enemy of the United States, or under authority, or pretence of authority, from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, such vessel or goods not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the former owner or owners thereof, he or they paying for and in lieu of salvage, if retaken by a public vessel of the United States, one eighth part, and if retaken by a private vessel of the United States, one sixth part, of the true value of the vessel or goods so to be restored, allowing and excepting all imposts and public duties to which the same may be liable. And if the vessel so retaken shall appear to have been set forth and armed as a vessel of war, before such capture or afterwards, and before the retaking thereof as aforesaid, the former owner or owners, on the restoration thereof, shall be adjudged to pay for and in lieu of salvage, one moiety of the true value of such vessel of war, or privateer.

Salvage on recaptured property claimed by residents of the U. States, and claimed before condemnation.

One moiety to be paid in lieu of salvage.

SEC. 2. *And be it further enacted,* That when any vessel or goods, which shall hereafter be taken as prize, by any vessel acting under authority from the government of the United States, shall appear to have before belonged to the United States and to have been taken by an enemy of the United States, or under authority, or pretence of authority from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, such public vessel not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the United States. And for and in lieu of salvage, there shall be paid from the treasury of the United States, pursuant to the final decree which shall be made in such case by any court of the United States, having competent jurisdiction thereof, to the parties who shall be thereby entitled to receive the same, for the recapture as aforesaid, of an unarmed vessel, or any goods therein, one sixth part of the true value thereof, when made by a private vessel of the United States, and one twelfth part of such value when the recapture shall be made by a public armed vessel of the United States; and for the recapture as aforesaid of a public armed vessel, or any goods therein, one moiety of the true value thereof, when made by a private vessel of the United States, and one fourth part of such value, when such recapture shall be made by a public armed vessel of the United States.

Compensation for recaptured property claimed by the United States.

SEC. 3. *And be it further enacted,* That when any vessel or goods which shall be taken as prize, as aforesaid, shall appear to have before belonged to any person or persons permanently resident within the territory, and under the protection of any foreign prince, government or state, in amity with the United States, and to have been taken by an enemy of the United States, or by authority or pretence of authority from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, then such vessel or goods shall be adjudged to be restored to the former owner or owners thereof, he or they paying for and in lieu of salvage, such proportion of the true value of the vessel or goods so to be restored, as by the law or usage of such prince, government or state, within whose territory such former owner or owners shall be so resident, shall be required on the restoration of any vessel or goods of a citizen of the United States, under like circumstances of recapture, made by the authority of such foreign prince, government or state; and where no such law or usage shall be known, the same salvage shall be allowed as is provided

Salvage on recaptured property claimed by alien friends.

by the first section of this act: *Provided*, that no such vessel or goods shall be adjudged to be restored to such former owner or owners, in any case where the same shall have been, before the recapture thereof, condemned as prize by competent authority, nor in any case where by the law or usage of the prince, government, or state, within whose territory such former owner or owners shall be resident as aforesaid, the vessel or goods of a citizen of the United States, under like circumstances of recapture, would not be restored to such citizen of the United States: *Provided also*, that nothing herein shall be construed to contravene or alter the terms of restoration in cases of recapture, which are or shall be agreed on in any treaty between the United States, and any foreign prince, government or state.

Distribution
of salvage.

Act of March
2, 1799, ch. 24,
sec. 97. Act of
April 23, 1800,
ch. 33.

SEC. 4. *And be it further enacted*, That all sums of money which may be paid for salvage, as aforesaid, when accruing to any public armed vessel, shall be divided to and among the commanders, officers and crew thereof, in such proportions as are or may be provided by law, respecting the distribution of prize money: and when accruing to any private armed vessel, shall be distributed to and among the owners and company concerned in such recapture, according to their agreements, if any such there be; and in case there be no such agreement, then to and among such persons, and in such proportions, as the court having jurisdiction thereof shall appoint.

Repeal of for-
mer laws.

SEC. 5. *And be it further enacted*, That such parts of any acts of Congress of the United States, as respect the salvage to be allowed in cases of recapture, shall be, and are hereby repealed, except as to cases of recapture made before the passing of this act.

APPROVED, March 3, 1800.

STATUTE I.

CHAP. XV.—*An Act declaring the assent of Congress to certain acts of the States of Maryland and Georgia.*

March 17, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and hereby is granted to the operation of an act of the General Assembly of the state of Maryland, passed on the twenty-sixth day of December, one thousand seven hundred and ninety-one, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned," and also to so much of an act of the state of Georgia, passed February the tenth, one thousand seven hundred and eighty-seven, entitled "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandise and negroes imported into this state; and also an impost on the tonnage of shipping, and for other purposes therein mentioned," as authorizes a duty of three pence per ton on all shipping entering the port of Savannah, to be set apart as a fund for clearing the river Savannah.

[Expired.]

Act of April
20, 1808, ch. 47.
Act of April 16,
1814, ch. 60.
Act of April 20,
1822, ch. 29.

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

APPROVED, March 17, 1800.

STATUTE I.

March 19, 1800.

CHAP. XVI.—*An Act to alter the times of holding the District Court in North Carolina.*

[Obsolete.]

Act of March
3, 1797, ch. 27.
Act of Feb. 13,
1801, ch. 4.
Act of March 3,
1801, ch. 32.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sessions of the district court for the district of North Carolina, shall hereafter be holden on the first Monday in February, May, August and November annually.

SEC. 2. *And be it further enacted*, That all process which shall

have been issued, and all recognizances returnable, and all suits and other proceeding, which have been continued to the said district court on the first Monday in April next, shall be returned and held continued to the said court on the first Monday of May next.

APPROVED, March 19, 1800.

STATUTE I.

CHAP. XVIII.—*An Act to extend the privilege of franking letters and packages to Martha Washington.*

April 3, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packages to and from Martha Washington, relict of the late General George Washington, shall be received and conveyed by post free of postage, for and during her life.

APPROVED, April 3, 1800.

STATUTE I.

CHAP. XIX.—*An Act to establish an uniform System of Bankruptcy throughout the United States.*(a)

April 4, 1800.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from

Repealed by Act of Dec. 19, 1803, ch. 6.

(a) *Decisions on the Bankrupt Law of the United States.*—The holder of a promissory note, drawn before, but transferred after a commission of bankruptcy had issued against the drawer, is entitled to prove his debt under the commission, and to receive a dividend. *Humphreys v. Blight's Assignees*, 4 Dall. 370.

In the case of negotiable paper, the assignee takes it, discharged of all the equity as between the original parties, of which he had no notice. But wherever the assignee has notice of such equity, either positively or constructively, he takes the assignment at his peril. A commission of bankruptcy is legal notice that wherever mutual debts subsisted between the bankrupt and his creditors, the right of set-off attaches. When the negotiable paper was assigned after the commission of bankruptcy, the party takes it, subject to any set-off as between the drawer and payee. *Ibid.*

Under the bankrupt law of the United States, a joint debt may be set-off against the separate claim of the assignee of one of the partners; but such set-off could not have been made at law, independent of the bankrupt law. *Tucker v. Oxley*, 5 Cranch, 34; 2 Cond. Rep. 132.

A joint debt may be proved under a separate commission, and a full dividend received; it is equity alone which can restrain the joint creditor from receiving his full dividend until the joint effects are exhausted. *Ibid.*

Wherever the terms in which a power is granted by the constitution to Congress, or wherever the nature of the power itself, requires that it shall be exclusively exercised by Congress, the subject is completely taken away from state legislatures, as if they had been forbidden to act upon it. The power granted to Congress of establishing uniform laws on the subject of bankruptcy, is not of this description. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

In the distribution of a bankrupt's effects in this country, the United States are entitled to a preference, although the debt was contracted by a foreigner in a foreign country; and although the United States had proved their debt under the commission of bankruptcy, and had voted for an assignee. *Harrison v. Sterry et al.*, 5 Cranch, 289; 2 Cond. Rep. 260.

A conveyance on the eve of bankruptcy, to give a preference to a particular class of creditors, is a fraud on the bankrupt law and void. *Ibid.*

Such assignment may be valid to secure money actually advanced on the credit of it, and subsequent to its date. *Ibid.*

Under a separate commission of bankruptcy, against one partner only, his private property, and his interest in the funds of the company passes. *Ibid.*

The right to compensation from Spain, held under an abandonment made to underwriters, and accepted by them, for damages and injuries, which were to be satisfied under the treaty, by the United States; passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. *Comegys et al. v. Vasse*, 1 Peters, 193.

The circuit courts of the United States have jurisdiction of matters arising under the bankrupt law of the United States, as they have of any other subject, where the constitution and laws of the United States give jurisdiction; but the district courts have not the same jurisdiction in cases of bankruptcy, as the chancellor of England has. *Lucas et al. v. Morris et al.*, 1 Paine's C. C. R. 396.

The district courts of the United States have not, like the chancellor in England, exclusive jurisdiction over the entire execution of the bankrupt law. They cannot remove assignees, nor compel them to account. *Ibid.*

Upon the death of an assignee under the bankrupt law of the United States, the right of action for a debt due to the bankrupt, vested in the executor of the assignee. *Richards et al. Assignees, &c. v. Maryland Ins. Co.*, 8 Cranch, 84; 3 Cond. Rep. 45.

Where the original ground of action is founded on contract, but the immediate cause arises *ex delicto*, and the claim is for damages, unliquidated by any express agreement, or such as the law will not imply an agreement to pay; the certificate of bankruptcy is no bar; because such claim could not have been proved under the commission. *Dusar v. Murgatroyd*, 1 Wash. C. C. R. 13.

Who may be
a bankrupt.

and after the first day of June next, if any merchant, or other person, residing within the United States, actually using the trade of merchandise, by buying and selling in gross, or by retail, or dealing in exchange, or as a banker, broker, factor, underwriter, or marine insurer, shall,

But if the agreement were to pay a particular sum, on failure to perform the contract; or if the case was such that the plaintiff has his election to bring either trespass or case for money had and received, and waives the former by bringing the latter; the damages become a debt, which the law implies a promise to pay, and the certificate is a bar. *Ibid.*

In an action brought against the owner of a vessel for damages for an injury sustained on board a ship by the neglect of the master, a certificate of bankruptcy cannot be pleaded in bar. *Ibid.*

One guilty of perjury in proceedings under the bankruptcy law, cannot be prosecuted for the offence, after the repeal of the law. *United States v. Passmore*, 4 Dall. 372.

A deed executed before the 1st of June, 1800, although acknowledged after, is not within the 1st section of the bankrupt act of April 4th, 1800, chap. 19. *Wood v. Owings*, 1 Cranch, 239; 1 Cond. Rep. 302.

A certificated bankrupt or insolvent, discharged from the particular contract, need not be made a party to the bill on the contract. *Van Reimsdyke v. Kane's Ex'r*, 1 Gall. C. C. R. 371.

The power given to Congress to pass uniform laws, relative to bankruptcy, is exclusive of such power in the state governments; and this, whether the former has thought proper to exercise it or not. *Golden v. Prince*, 3 Wash. C. C. R. 313.

A discharge from a debt under the bankrupt laws of the place of contract, is good in every other place where pleaded, as an extinguishment of the debt. But a like discharge where the contract is not made, has no effect. *Le Roy v. Crowninshield*, 2 Mason's C. C. R. 151.

A debtor concealing himself from, and being denied to his creditors, does not constitute an act of bankruptcy under the laws of the United States; unless the service of process is thereby prevented. *Barnes et al. v. Billington*, 1 Wash. C. C. R. 29.

If the debtor order himself to be denied to creditors and others, and is in consequence thereof denied to an officer, who comes to serve a process, it is an act of bankruptcy; provided the officer comes to serve the process, and not on other business: and the denial has taken place within six months of the issuing of the commission. *Ibid.*

Giving a bond, with warrant to confess judgment to one creditor, upon the eve and in contemplation of bankruptcy, does not constitute a bankruptcy; unless the judgment entered on the bond, and the issuing of the execution was at the instance or by the procurement of the debtor. Such a bond would be a fraud on the general creditors. *Ibid.*

Where two of three assignees of a bankrupt enter into an agreement in the absence of the third, the contract is not binding on the absent assignee; unless he had previously given authority to make it, or substantially recognize and acknowledge it. *Aliter*, among partners. *Blight v. Ashley et al.*, 1 Peters' C. C. R. 16.

The agreement of the assignees of a bankrupt, to give a preference to a particular creditor, is not valid, without the assent of the commissioners, and a certain portion of the creditors. *Ibid.*

Denial to an officer, whereby he is prevented serving process, must be really adversary, and not by concert between the creditor and the debtor, to bring about an act of bankruptcy. *Ibid.*

No debt but such as is due and owing at the time of the bankruptcy, can be proved under the commission; and, consequently, an endorser or acceptor of a bill of exchange, drawn by the bankrupt, who has not paid it before the bankruptcy, cannot prove the debt. *Marks et al. Assignees v. Barker et al.*, 1 Wash. C. C. R. 178.

The acceptor or endorser of a bill of exchange, who pays the bill after the bankruptcy of the drawer, may offset the same against the bankrupt's assignees; but he must show the debt to be a subsisting one in him, at the time the action was brought, for this is a case of mutual credit, given before the bankruptcy, although the money was not paid until after. *Ibid.*

The district courts of the United States have not power, in bankrupt cases, to remove assignees, or compel them to account. *Lucas v. Morris, Paine's C. C. R. 396.*

The holder of the negotiable paper, payable "without defalcation," under the laws of Pennsylvania, assigned after a commission of bankruptcy has issued, may come in under the commission; allowing all just offsets existing at the time of the bankruptcy, and which would have been admitted if the assignment had not been made. *Humphreys v. Blight's Assignees*, 1 Wash. C. C. R. 44.

The purchaser of a negotiable note, who becomes so after a commission of bankruptcy has issued, may prove under the commission; and he holds the note, subject to all legal offsets. *Ibid.*

The 65th section of the bankrupt law of the United States, passed the 2d of March, 1799, does not repeal the provisions of the laws of the United States, which give to the surety who pays bonds for duties, a preference over other creditors. *Mott v. The Assignees of Maris*, 2 Wash. C. C. R. 196.

The provisions of the bankrupt law except from its general operation, not only the preference of the United States, but also the right of preference for satisfaction of debts due to the United States. *Ibid.*

P. paid a sum of money to the United States, as surety of S., in a bond for duties. S. became insolvent, and assigned his effects to Baker, who received four thousand dollars under the assignment, mixed the same with his own funds, and afterwards became bankrupt, and the defendants were appointed his assignees; but no effects, known to be part of the estate of S., came into their hands. The plaintiff claimed to have a preference and priority over the general creditors of Baker. By the Court—Although the United States might, under the 65th section of the law to regulate the collection of duties, be entitled to claim of the defendants to the amount which came into the hands of B., as the assignees of S., the provisions of the law do not extend to the surety who has paid the bond, the same rights and privileges. *Pollock v. Pratt & Harvey*, 2 Wash. C. C. R. 490.

A. H. devised an estate to C. S., for life; and after the death of C. S., he directed that the estate should be sold, and divided among the grandchildren of the testator, who should be living at the death of C. S. B. married one of the grandchildren, and, before the death of C. S., B. became bankrupt. B. and wife, after the decease of C. S., sold the property claimed under the will of A. H., and the plaintiff claimed

with intent unlawfully to delay or defraud his or her creditors, depart from the state in which such person usually resides, or remain absent therefrom, or conceal him or herself therein, or keep his or her house, so that he or she cannot be taken, or served with process, or willingly or fraudulently procure him or herself to be arrested, or his or her lands, goods, money or chattels to be attached, sequestered, or taken in execution, or shall secretly convey his or her goods out of his or her house, or conceal them to prevent their being taken in execution, or make, or cause to be made, any fraudulent conveyance of his or her lands, or chattels, or make or admit any false or fraudulent security, or evidence of debt, or being arrested for debt, or having surrendered him or herself in discharge of bail, shall remain in prison two months, or more, or escape therefrom, or whose lands or effects being attached by process issuing out of, or returnable to, any court of common law, shall not, within two months after written notice thereof, enter special bail and dissolve the same, or in districts in which attachments are not dissolved by the entry of special bail, being arrested for debt after his or her lands and effects, or any part thereof, have been attached for a debt or debts amounting to one thousand dollars or upwards, shall not, upon notice of such attachment, give sufficient security for the payment of what may be recovered in the suit in which he or she shall be arrested, at or before the return day of the same, to be approved by the judge of the district, or some judge of the court out of which the process issued upon which he is arrested, or to which the same shall be returnable, every such person shall be deemed and adjudged a bankrupt: *Provided*, that no person shall be liable to a commission of bankruptcy, if the petition be not preferred, in manner herein after directed, within six months after the act of bankruptcy committed.

What shall be an act of bankruptcy.

SEC. 2. *And be it further enacted*, That the judge of the district court of the United States, for the district where the debtor resides, or usually resided at the time of committing the act of bankruptcy, upon petition, in writing, against such person or persons being bankrupt, to him to be exhibited by any one creditor, or by a greater number, being partners, whose single debt shall amount to one thousand dollars, or by two creditors, whose debts shall amount to one thousand five hundred dollars, or by more than two creditors, whose debts shall amount to two thousand dollars, shall have power, by commission under his hand and seal, to appoint such good and substantial persons, being citizens of the United States, and resident in such district, as such judge shall deem proper, not exceeding three, to be commissioners of the said bankrupt, and in case of vacancy or refusal to act, to appoint others from time to time, as occasion may require: (a) *Provided always*, that before any

Proceedings to obtain a commission of bankruptcy.

under this conveyance. By the Court—The decisions of the English courts, abundantly prove that a possibility, whether belonging to the husband or the wife, would not pass to the assignees of the husband, on his becoming bankrupt, if it were not for the strong language of the statutes of bankruptcy. *Krumbaar v. Burt*, 2 Wash. C. C. R. 406.

The possibility held by B., under the will of A. H., formed no part of his estate to which he was entitled in law or equity, of which the commissioners could take possession under the 5th section of the bankrupt law of the United States; and, therefore, they could not transfer it to the assignees of the bankrupt, under the provisions of the 6th section. *Ibid.*

The provisions of the English bankrupt laws, and those of the bankrupt law of the United States, differ in relation to the contingent interests of the bankrupt; and it is clear, that by the most liberal construction of the law, the interest of the husband in the estate of his wife, under the will of A. H., did not pass to the assignees. *Ibid.*

The provisions of the 13th section of the bankrupt law of the United States, do not affect this question; they do not require an assignment of contingent interests, but relate to their disclosure by the bankrupt. *Ibid.*

So exclusively have bankrupt laws operated on traders, that it may well be doubted, whether an act of Congress, subjecting to such a law every description of persons within the United States, would comport with the spirit of the powers vested in them in relation thereto. Per Livingston, J. in *Adams v. Storey*, Paine's C. C. R. 79.

(a) By the 14th section of the act of April 29, 1802, entitled, "An act to amend the judicial system of the United States," the commissions in bankruptcy issued by the district judge were to be directed to general commissioners appointed by the President of the United States in each district.

commission shall issue, the creditor or creditors petitioning shall make affidavit or solemn affirmation before the said judge, of the truth of his, her, or their debts, and give bond, to be taken by the said judge, in the name, and for the benefit of the said party so charged as a bankrupt, and in such penalty, and with such surety as he shall require, to be conditioned for the proving of his, her, or their debts, as well before the commissioners as upon a trial at law, in case the due issuing forth of the said commission shall be contested, and also for proving the party a bankrupt, and to proceed on such commission, in the manner herein prescribed. And if such debt shall not be really due, or after such commission taken out it cannot be proved that the party was a bankrupt, then the said judge shall, upon the petition of the party aggrieved, in case there be occasion, deliver such bond to the said party, who may sue thereon, and recover such damages, under the penalty of the same, as, upon trial at law, he shall make appear he has sustained, by reason of any breach of the condition thereof.

Commissioners to take an oath, and the mode of declaring the party a bankrupt.

SEC. 3. *And be it further enacted,* That before the commissioners shall be capable of acting, they shall respectively take and subscribe the following oath or affirmation, which shall be administered by the judge issuing the commission, or by any of the judges of the supreme court of the United States, or any judge, justice, or chancellor of any state court, and filed in the office of the clerk of the district court: "I, A. B., do swear, or affirm, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me, as a commissioner in a commission of bankruptcy against _____ and that without favour or affection, prejudice or malice." And the commissioners, who shall be sworn as aforesaid, shall proceed, as soon as may be, to execute the same; and upon due examination, and sufficient cause appearing against the party charged, shall and may declare him or her to be a bankrupt: *Provided,* that before such examination be had, reasonable notice thereof, in writing, shall be delivered to the person charged as a bankrupt; or if he, or she, be not found at his or her usual place of abode, to some person of the family above the age of twelve years, or if no such person appear, shall be fixed at the front or other public door of the house, in which he or she usually resides, and thereupon it shall be in the power of such person, so charged as aforesaid, to demand before, or at the time appointed for such examination, that a jury be empaneled to inquire into the fact or facts, alleged, as the causes for-issuing the commission, and on such demand being made, the inquiry shall be had before the judge granting the commission, at such time as he may direct, and in that case, such person shall not be declared bankrupt, unless, by the verdict of the jury, he or she shall be found to be within the description of this act, and shall be convicted of some one of the acts described in the first section of this act: *Provided also,* that any commission which shall be taken out as aforesaid, and which shall not be proceeded in as aforesaid, within thirty days thereafter, may be superseded by the said judge, who shall have granted the same, upon the application of the party thereby charged as a bankrupt, or of any creditor of such person, unless the delay shall have been unavoidable, or upon a just occasion.

Commissioners may cause the bankrupt to be arrested.

SEC. 4. *And be it further enacted,* That the commissioners so to be appointed, shall have power forthwith, after they have declared such person a bankrupt, to cause to be apprehended, by warrant under their hands and seals, the body of such bankrupt, wheresoever to be found, within the United States: *Provided,* they shall think, that there is reason to apprehend that the said bankrupt intends to abscond or conceal him or herself, and in case it be necessary, in order to take the body of the said bankrupt, shall have power to cause the doors of the dwelling-

house of such bankrupt to be broken, or the doors of any other house in which he or she shall be found.

SEC. 5. *And be it further enacted*, That it shall be the duty of the commissioners so to be appointed, forthwith, after they have declared such person a bankrupt, and they shall have power to take into their possession, all the estate, real and personal, of every nature and description to which the said bankrupt may be entitled, either in law or equity, in any manner whatsoever, and cause the same to be inventoried and appraised to the best value, (his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding of such bankrupt only excepted) and also to take into their possession, and secure, all deeds and books of account, papers and writings belonging to such bankrupt; and shall cause the same to be safely kept, until assignees shall be chosen or appointed, in manner hereafter provided.

They shall take into their possession the bankrupt's property, books and papers.

SEC. 6. *And be it further enacted*, That the said commissioners shall forthwith, after they have declared such person a bankrupt, cause due and sufficient public notice thereof to be given, and in such notice shall appoint some convenient time and place for the creditors to meet, in order to choose an assignee or assignees of the said bankrupt's estate and effects;—at which meeting the said commissioners shall admit the creditors of such bankrupt to prove their debts;—and where any creditor shall reside at a distance from the place of such meeting, shall allow the debt of such creditor to be proved by oath or affirmation, made before some competent authority, and duly certified, and shall permit any person duly authorized by letter of attorney from such creditor, due proof of the execution of such letter of attorney being first made, to vote in the choice of an assignee or assignees of such bankrupt's estate and effects, in the place and stead of such creditor: and the said commissioners shall assign, transfer or deliver over, all and singular the said bankrupt's estate and effects, aforesaid, with all muniments and evidences thereof, to such person or persons as the major part, in value, of such creditors, according to the several debts then proved, shall choose as aforesaid: *Provided always*, that in such choice, no vote shall be given by, or in behalf of any creditor whose debt shall not amount to two hundred dollars.

Notice of the bankruptcy, appointment of assignees, proof of debts, and assignment of the bankrupt's estate.

SEC. 7. *Provided always, and be it further enacted*, That it shall be lawful for the said commissioners, as often as they shall see cause, for the better preserving and securing the bankrupt's estate, before assignees shall be chosen as aforesaid, immediately to appoint one or more assignee or assignees of the estate and effects aforesaid, or any part thereof; which assignee or assignees aforesaid, or any of them, may be removed at the meeting of the creditors, so to be appointed as aforesaid, for the choice of assignees, if such creditors, entitled to vote as aforesaid, or the major part, in value, of them, shall think fit; and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come to his or their hands or possession, unto such other assignee or assignees as shall be chosen by the creditors as aforesaid; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them, by the said commissioners; and if such first assignee or assignees shall refuse or neglect, for the space of ten days next after notice, in writing, from such new assignee or assignees of their appointment, (a) as aforesaid, to deliver over as aforesaid, all the estate and effects as aforesaid, every such assignee or assignees shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

SEC. 8. *And be it further enacted*, That at any time, previous to the

(a) Apportionment in the original.

Creditors may remove the assignees and choose others.

closing of the accounts of the said assignee or assignees so chosen as aforesaid, it shall be lawful for such creditors of the bankrupt, as are hereby authorized to vote in the choice of assignees, or the major part of them, in value, at a regular meeting of the said creditors, to be called for that purpose, by the said commissioners, or by one fourth, in value, of such creditors, to remove all or any of the assignees chosen as aforesaid, and to choose one or more in his or their place and stead: and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come into his or their hands or possession, unto such new assignee or assignees as shall be chosen by the creditors, at such meeting; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them, by the said commissioners: and if such former assignee or assignees shall refuse or neglect, for the space of ten days next after notice, in writing, from such new assignee or assignees, of their appointment, as aforesaid, to deliver over, as aforesaid, all the estate and effects aforesaid, every such former assignee or assignees, shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

Suits not abated by the removal of assignees.

SEC. 9. *And be it further enacted*, That whenever a new assignee or assignees shall be chosen as aforesaid, no suit at law or in equity shall be thereby abated; but it shall and may be lawful for the court in which any suit may depend, upon the suggestion of a removal of a former assignee or assignees, and of the appointment of a new assignee or assignees, to allow the name of such new assignee or assignees, to be substituted in place of the name or names of the former assignee or assignees, and thereupon the suit shall be prosecuted in the name or names of the new assignee or assignees, in the same manner as if he or they had originally commenced the suit in his or their own names.

General effect of the assignment by the commissioners.

SEC. 10. *And be it further enacted*, That the assignment or assignments of the commissioners of the bankrupt's estate and effects as aforesaid, made as aforesaid, shall be good at law or in equity, against the bankrupt; and all persons claiming by, from, or under such bankrupt, by any act done at the time, or after he shall have committed the act of bankruptcy, upon which the commission issued: *Provided always*, that in case of a *bona fide* purchase made before the issuing of the commission from or under such bankrupt, for a valuable consideration, by any person having no knowledge, information, or notice of any act of bankruptcy committed, such purchase shall not be invalidated or impeached.

It shall bar an estate tail.

SEC. 11. *And be it further enacted*, That the said commissioners shall have power, by deed or deeds, under their hands and seals, to assign and convey to the assignee or assignees, to be appointed or chosen as aforesaid, any lands, tenements, or hereditaments, which such bankrupt shall be seised of, or entitled to, in fee tail, at law, or in equity, in possession, remainder, or reversion, for the benefit of the creditors; and all such deeds, being duly executed and recorded according to the laws of the state within which such lands, tenements, or hereditaments may be situate, shall be good and effectual against all persons whom the said bankrupt, by common recovery, or other means, might or could bar of any estate, right, title, or possibility of or in the said lands, tenements, or hereditaments.

Commissioners may tender performance of the conditions on which the bankrupt's property is pledged.

SEC. 12. *And be it further enacted*, That if any bankrupt shall have conveyed or assured any lands, goods or estate, unto any person, upon condition or power of redemption, by payment of money or otherwise, it shall be lawful for the commissioners, or for any person by them duly authorized for that purpose, by writing, under their hands and seals, to make tender of money or other performance according to the nature of

such condition, as fully as the bankrupt might have done; and the commissioners, after such performance or tender, shall have power to assign such lands, goods and estate, for the benefit of the creditors, as fully and effectually as any other part of the estate of such bankrupt.

SEC. 13. *And be it further enacted*, That the commissioners aforesaid shall have power to assign, for the use aforesaid, all the debts due to such bankrupt, or to any other person for his or her use or benefit; which assignment shall vest the property and right thereof in the assignee or assignees of such bankrupt, as fully as if the bond, judgment, contract, or claim, had originally belonged or been made to the said assignees; and after the said assignment, neither the said bankrupt, nor any person acting as trustee for him or her, shall have power to recover or discharge the same, nor shall the same be attached as the debt of the said bankrupt; but the assignee or assignees aforesaid shall have such remedy to recover the same, in his or their own name or names, as such bankrupt might or could have had, if no commission of bankruptcy had issued. And when any action in the name of such bankrupt shall have been commenced, and shall be pending for the recovery of any debt or effects of such bankrupt, which shall be assigned, or shall, or might become vested in the assignee or assignees of such bankrupt as aforesaid, then such assignee or assignees may claim to be, and shall be thereupon admitted to prosecute such action in his or their name, for the use and benefit of the creditors of such bankrupt; and the same judgment shall be rendered in such action, and all attachments or other security taken therein, shall be in like manner holden and liable, as if the said action had been originally commenced in the name of such assignee or assignees, after the original plaintiff therein had become a bankrupt as aforesaid: *Provided*, that where a debtor shall have, *bona fide*, paid his debt to any bankrupt, without notice that such person was bankrupt, he or she shall not be liable to pay the same to the assignee or assignees.

Effect of the assignment of debts, and mode of recovery.

SEC. 14. *And be it further enacted*, That if complaint shall be made or information given to the commissioners, or if they shall have good reason to believe or suspect, that any of the property, goods, chattels, or debts, of the bankrupt, are in the possession of any other person, or that any person is indebted to, or for the use of the bankrupt, then the said commissioners shall have power to summon, or to cause to be summoned, by their attorney or other person duly authorized by them, all such persons before them, or the judge of the district where such person shall reside, by such process, or other means, as they shall think convenient, and upon their appearance, to examine them by parole or by interrogatories, in writing, on oath, or affirmation, which oath or affirmation they are hereby empowered to administer, respecting the knowledge of all such property, goods, chattels, and debts; and if such person shall refuse to be sworn or affirmed, and to make answer to such questions or interrogatories as shall be administered, and to subscribe the said answers, or upon examination shall not declare the whole truth, touching the subject matter of such examination, then it shall be lawful for the commissioners, or judge, to commit such person to prison, there to be detained until they shall submit themselves to be examined in manner aforesaid, and they shall, moreover, forfeit double the value of all the property, goods, chattels, and debts, by them concealed.

Mode of discovering concealed property or debts.

SEC. 15. *And be it further enacted*, That if any of the aforesaid persons shall, after legal summons to appear before the commissioners or judge, to be examined, refuse to attend, or shall not attend at the time appointed, having no such impediment as shall be allowed of by the commissioners or judge, it shall be lawful for the said commissioners or judge to direct their warrants to such person or persons as by them shall be thought proper, to apprehend such persons as shall refuse to appear, and to bring them before the commissioners or judge, to be examined,

Mode of compelling the attendance of witnesses.

Their compensation.

Punishment of perjury and subornation thereof.

Penalty on making a fraudulent claim.

Commissioners may assign property fraudulently conveyed away.

Duty of the bankrupt to surrender himself and be examined, &c.

and upon their refusal to come, to commit them to prison, until they shall submit themselves to be examined, according to the directions of this act : *Provided*, that such witnesses as shall be so sent for, shall be allowed such compensation as the commissioners or judge shall think fit, to be rateably borne by the creditors ; and if any person, other than the bankrupt, either by subornation of others, or by his or her own act, shall wilfully or corruptly commit perjury on such examination, to be taken before the commissioners as aforesaid, the party so offending, and all persons who shall procure any person to commit such perjury, shall, on conviction thereof, be fined, not exceeding four thousand dollars, and imprisoned, not exceeding two years, and moreover shall, in either case, be rendered incapable of being a witness in any court of record.

SEC. 16. *And be it further enacted*, That if any person or persons shall fraudulently, or collusively claim any debts, or claim or detain any real or personal estate of the bankrupt, every such person shall forfeit double the value thereof, to and for the use of the creditors.

SEC. 17. *And be it further enacted*, That if any person, prior to his or her becoming a bankrupt, shall convey to any of his or her children, or other persons, any lands or goods, or transfer his or [her] debts or demands into other persons' names, with intent to defraud his or her creditors, the commissioners shall have power to assign the same, in as effectual a manner as if the bankrupt had been actually seised or possessed thereof.

SEC. 18. *And be it further enacted*, That if any person or persons who shall become bankrupt within the intent and meaning of this act, and against whom a commission of bankruptcy shall be duly issued, upon which commission such person or persons shall be declared bankrupt, shall not, within forty-two days after notice thereof, in writing, to be left at the usual place of abode of such person or persons, or personal notice in case such person or persons be then in prison, and notice given in some gazette, that such commission hath been issued, and of the time and place of meeting of the commissioners, surrender him or herself to the said commissioners, and sign or subscribe such surrender, and submit to be examined, from time to time, upon oath or solemn affirmation, by and before such commissioners, and in all things conform to the provisions of this act, and also upon such his or her examination, fully and truly disclose and discover all his or her effects and estate, real and personal, and how and in what manner, to whom and upon what consideration, and at what time or times he or she hath disposed of, assigned or transferred, any of his or her goods, wares, or merchandise, monies, or other effects and estate, and of all books, papers and writings relating thereunto, of which he or she was possessed, or in or to which he or she was any ways interested or entitled, or which any person or persons shall then have, or shall have had in trust for him or her, or for his or her use, at any time before or after the issuing of the said commission, or whereby such bankrupt, or his or her family then hath, or may have or expect any profit, possibility of profit, benefit or advantage whatsoever, except only such part of his or her estate and effects as shall have been really and *bona fide* before sold and disposed of, in the way of his or her trade and dealings, and except such sums of money as shall have been laid out in the ordinary expenses of his or her family, and also upon such examination, execute in due form of law, such conveyance, assurance, and assignment of his or her estate, whatsoever and wheresoever, as shall be devised and directed by the commissioners, to vest the same in the assignees, their heirs, executors, administrators, and assigns for ever, in trust, for the use of all and every the creditors of such bankrupt, who shall come in and prove their debts under the commission ; and deliver up unto the commissioners, all such part of his or her the said bankrupt's goods, wares, merchandises, money, effects and estate, and all books,

papers, and writings relating thereunto, as at the time of such examination shall be in his or her possession, custody or power, his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding, of such bankrupt only excepted, then he or she the said bankrupt, upon the conviction of any wilful default, or omission in any of the matters or things aforesaid, shall be adjudged a fraudulent bankrupt, and shall suffer imprisonment for a term not less than twelve months, nor exceeding ten years, and shall not, at any time after, be entitled to the benefits of this act: *Provided always*, that in case any bankrupt shall be in prison or custody at the time of issuing such commission, and is willing to surrender and submit to be examined, according to the directions of this act, and can be brought before the said commissioners and creditors for that purpose, the expense thereof shall be paid out of the said bankrupt's effects, and in case such bankrupt is in execution, or cannot be brought before the commissioners, that then the said commissioners, or some one of them shall, from time to time, attend the said bankrupt in prison or custody, and take his or her discovery as in other cases, and the assignees, or one of them, or some person appointed by them, shall attend such bankrupt in prison or custody, and produce his or her books, papers and writings, in order to enable him or her to prepare his or her discovery; a copy whereof the said assignees shall apply for, and the said bankrupt shall deliver to them or their order, within a reasonable time after the same shall have been required.

Mode of examination when the bankrupt is in prison.

SEC. 19. *And be it further enacted*, That the said commissioners shall appoint, within the said forty-two days, so limited as aforesaid, for the bankrupt to surrender and conform as aforesaid, not less than three several meetings for the purposes aforesaid, the third of which meetings shall be on the last of the said forty-two days: *Provided always*, that the judge of the district within which such commission issues, shall have power to enlarge the time so limited as aforesaid, for the purposes aforesaid, as he shall think fit, not exceeding fifty days, to be computed from the end of the said forty-two days, so as such order for enlarging the time be made at least six days before the expiration of said term.

Days of meeting to be appointed within the term limited for the surrender, &c.

The term may be enlarged.

SEC. 20. *And be it further enacted*, That it shall be lawful for the commissioners, or any other person or officers, by them to be appointed, by their warrant, under their hands and seals, to break open in the day time the houses, chambers, shops, warehouses, doors, trunks, or chests, of the bankrupt, where any of his or her goods or estate, deeds, books of account or writings, shall be, and to take possession of the goods, money, and other estate, deeds, books of account or writings of such bankrupt.

Houses, doors, &c. of the bankrupt may be broken open.

SEC. 21. *And be it further enacted*, That if the bankrupt shall refuse to be examined, or to answer fully, or to subscribe his or her examination as aforesaid, it shall be lawful for the commissioners to commit the offender to close imprisonment, until he or she shall conform him or herself; and if the said bankrupt shall submit to be examined, and upon his or her examination, it shall appear that he or she hath committed wilful or corrupt perjury, he or she may be indicted therefor, and being thereof convicted, shall suffer imprisonment for a term not less than two years, nor exceeding ten years.

Bankrupt may be committed for refusal to be examined, &c.

Punishment of his perjury.

SEC. 22. *And be it further enacted*, That every bankrupt, having surrendered, shall, at all seasonable times before the expiration of the said forty-two days, as aforesaid, or of such further time as shall be allowed to finish his or her examination, be at liberty to inspect his or her books and writings, in the presence of some person to be appointed by the commissioners, and to bring with him or her, for his or her assistance, such persons as he or she shall think fit, not exceeding two at one time, and to make extracts and copies to enable him or her to make a full discovery of his or her effects; and the said bankrupt shall

To have access to his books and writings.

To be free from arrest in coming to surrender, &c.

be free from arrests, in coming to surrender, and after having surrendered to the said commissioners, for the said forty-two days, or such farther time as shall be allowed for the finishing his or her examination; and in case such bankrupt shall be arrested for debt, or taken on any escape warrant or execution, coming to surrender, or after his surrender within the time before mentioned, then on producing such summons or notice under the hand of the commissioners, and giving the officer a copy thereof, he or she shall be discharged; and in case any officer shall afterwards detain such bankrupt, such officer shall forfeit to such bankrupt for his or her own use, ten dollars for every day he shall detain the bankrupt.

Penalty on concealing a bankrupt.

SEC. 23. *And be it further enacted*, That every person who shall knowingly or wilfully receive or keep concealed any bankrupt, so as aforesaid summoned to appear, or who shall assist such bankrupt in concealing him or herself, or in absconding, shall suffer such imprisonment, not exceeding twelve months, or pay such fine to the United States, not exceeding one thousand dollars, as upon conviction thereof shall be adjudged.

Bankrupt's wife may be examined.

SEC. 24. *And be it further enacted*, That the said commissioners shall have power to examine, upon oath or affirmation, the wife of any person lawfully declared a bankrupt, for the discovery of such part of his estate as may be concealed or disposed of by such wife, or by any other person; and the said wife shall incur such penalties for not appearing before the said commissioners, or refusing to be sworn or affirmed, or examined, and to subscribe her examination, or for not disclosing the truth, as by this act is provided against any other person in like cases.

Cause of commitment to be expressed in the commissioners' warrant.

SEC. 25. *And be it further enacted*, That in case any person shall be committed by the commissioners for refusing to answer, or for not fully answering any question, or for any other cause, the commissioners shall, in their warrant, specify such question or other cause of commitment.

Bounty for discovering bankrupt's estate.

SEC. 26. *And be it further enacted*, That if after the bankrupt shall have finished his or her final examination, any other person or persons shall voluntarily make discovery of any part of such bankrupt's estate, before unknown to the commissioners, such person or persons shall be entitled to five per cent. out of the effects so discovered, and such further reward as the commissioners shall think proper; and any trustee having notice of the bankruptcy, wilfully concealing the estate of any bankrupt, for the space of ten days after the bankrupt shall have finished his final examination, as aforesaid, shall forfeit double the value of the estate so concealed, for the benefit of the creditors.

Penalty on trustees concealing his property.

Goods of which the bankrupt is the reputed owner, may be assigned.

SEC. 27. *And be it further enacted*, That if any person shall become bankrupt, and at such time, by consent of the owner, have in his or her possession and disposition, any goods whereof he or she shall be reputed owner, and take upon him or herself, the sale, alteration, or disposition thereof, as owner, the commissioners shall have power to assign the same, for the benefit of the creditors, as fully as any other part of the estate of the bankrupt.

Penalty on the person suing out a commission, receiving an undue satisfaction from the bankrupt. Proceedings thereon.

SEC. 28. *And be it further enacted*, That if any bankrupt, after the issuing any commission against him or her, pay to the person who sued out the same, or give or deliver to such person, goods or any other satisfaction or security for his or her debt, whereby such person shall privately have and receive a greater proportion of his or her debt than the other creditors, such preference shall be a new act of bankruptcy, and on good proof thereof, such commission shall and may be superseded, and it shall and may be lawful for either of the judges, having authority to grant the commission as aforesaid, to award any creditor petitioning another commission, and such person, so taking such undue satisfaction as aforesaid, shall forfeit and lose, as well his or her whole debts, as the

whole he or she shall have taken and received, and shall pay back, or deliver up the same, or the full value thereof, to the assignee or assignees who shall be appointed or chosen under such commission, in manner aforesaid, in trust for, and to be divided among the other creditors of the said bankrupt, in proportion to their respective debts.

SEC. 29. *And be it further enacted,* That every person who shall be chosen assignee of the estate and effects of a bankrupt, shall, at some time after the expiration of four months, and within twelve months from the time of issuing the commission, cause at least thirty days public notice to be given, of the time and place the commissioners and assignees intend to meet, to make a dividend or distribution of the bankrupt's estate and effects; at which time the creditors who have not before proved their debts, shall be at liberty to prove the same; and upon every such meeting, the assignee or assignees shall produce to the commissioners and creditors then present, fair and just accounts of all his or their receipts and payments, touching the bankrupt's estate and effects, and of what shall remain outstanding, and the particulars thereof, and shall, if the creditors then present, or a major part of them, require the same, be examined upon oath or solemn affirmation, before the same commissioners, touching the truth of such accounts; and in such accounts, the said assignee or assignees shall be allowed and retain all such sum and sums of money, as they shall have paid or expended in suing out and prosecuting the commission, and all other just allowances on account of, or by reason or means of their being assignee or assignees; and the said commissioners shall order such part of the nett produce of the said bankrupt's estate, as by such accounts or otherwise shall appear to be in the hands of the said assignees, as they shall think fit, to be forthwith divided among such of the bankrupt's creditors as have duly proved their debts under such commission, in proportion to their several and respective debts; and the commissioners shall make such their order for a dividend in writing, under their hands, and shall cause one part of such order to be filed amongst the proceedings under the said commission, and shall deliver unto each of the assignees under such commission, a duplicate of such their order, which order of distribution shall contain an account of the time and place of making such order, and the sum total or quantum of all the debts proved under the commission, and the sum total of the money remaining in the hands of the assignee or assignees to be divided, and how many per cent. in particular is there ordered to be paid to every creditor of his debt; and the said assignee or assignees in pursuance of such order, and without any deed or deeds of distribution, to be made for the purpose, shall forthwith make such dividend and distribution accordingly, and shall take receipts in a book to be kept for the purpose, from each creditor, for the part or share of such dividend or distribution, which he or they shall make, and pay to each creditor respectively; and such order and receipt shall be a full and effectual discharge to such assignee for so much as he shall fairly pay, pursuant to such order as aforesaid.

Notice of a dividend.

Mode of making the first dividend.

SEC. 30. *And be it further enacted,* That within eighteen months next after the issuing of the commission, the assignee or assignees shall make a second dividend of the bankrupt's estate and effects, in case the same were not wholly divided upon the first dividend, and shall cause due public notice to be given of the time and place the said commissioners intend to meet, to make a second distribution of the bankrupt's estate and effects, and for the creditors who shall not before have proved their debts, to come in and prove the same; and at such meeting, the said assignees shall produce, on oath or solemn affirmation as aforesaid, their accounts of the bankrupt's estate and effects, and what, upon the balance thereof, shall appear to be in their hands, shall by like order of the commissioners, be forthwith divided amongst such of the bankrupt's

Second and subsequent dividends.

creditors as shall have made due proof of their debts, in proportion to their several and respective debts; which second dividend shall be final, unless any suit at law, or equity, be depending, or any part of the estate standing out, that could not have been disposed of, or that the major part of the creditors shall not have agreed to be sold or disposed of, or unless some other or future estate or effects of the bankrupt shall afterwards come to, or rest in the said assignees, in which cases the said assignees shall, as soon as may be, convert such future or other estate and effects into money, and shall, within two months after the same be converted into money, by like order of the commissioners, divide the same among such bankrupt's creditors as shall have made due proof of their debt under such commission.

Bankrupt's estate to be proportionally divided without regard to creditors' security.

SEC. 31. *And be it further enacted*, That in the distribution of the bankrupt's effects, there shall be paid to every of the creditors a portion-rate, according to the amount of their respective debts, so that every creditor having security for his debt by judgment, statute, recognizance, or specialty, or having an attachment under any of the laws of the individual states, or of the United States, on the estate of such bankrupt, (*Provided*, there be no execution executed upon any of the real or personal estate of such bankrupt, before the time he or she became bankrupts) shall not be relieved upon any such judgment, statute, recognizance, specialty, or attachment, for more than a rateable part of his debt, with the other creditors of the bankrupt.

Assignees shall keep books of account open to the creditors' inspection.

SEC. 32. *And be it further enacted*, That the assignees shall keep one or more distinct book or books of account, wherein he or they shall duly enter all sums of money or effects, which he or they shall have received, or got into his or their possession, of the said bankrupt's estate, to which books of account, every creditor who shall have proved his or her debt, shall, at all reasonable times, have free resort, and inspect the same as often as he or she shall think fit.

Bankrupt bound to attend the assignees when required.

SEC. 33. *And be it further enacted*, That every bankrupt, not being in prison or custody, shall, at all times after his surrender, be bound to attend the assignees, upon every reasonable notice, in writing, for that purpose, given or left at the usual place of his or her abode, in order to assist in making out the accounts of the said bankrupt's estate and effects, and to attend any court of record, to be examined touching the same, or such other business, as the said assignees shall judge necessary, for which he shall receive three dollars per day.

Allowance to the bankrupt out of his estate.

SEC. 34. *And be it further enacted*, That all and every person and persons who shall become bankrupt as aforesaid, and who shall, within the time limited by this act, surrender him or herself to the commissioners, and in all things conform as in and by this act is directed, shall be allowed five per cent. upon the nett produce of all the estate that shall be recovered in and received, which shall be paid unto him or her by the assignee or assignees, in case the nett produce of such estate, after such allowance made, shall be sufficient to pay the creditors of said bankrupt, who shall have proved their debts under such commission, the amount of fifty per cent. on their said debts, respectively, and so as the said five per cent. shall not exceed, in the whole, the sum of five hundred dollars; and in case the nett produce of the said estate shall, over and above the allowance hereafter mentioned, be sufficient to pay the said creditors seventy-five per cent. on the amount of their said debts, respectively, that then the said bankrupt shall be allowed ten per cent. on the amount of such nett produce, to be paid as aforesaid, so as such ten per cent. shall not, in the whole, exceed the sum of eight hundred dollars; and every such bankrupt shall be discharged from all debts by him or her due or owing, at the time he or she became bankrupt, and all which were or might have been proved under the said commission; and in case any such bankrupt shall afterwards be arrested, prosecuted

He shall be discharged from all debts which might be proved under the commission.

or impleaded, for or on account of any of the said debts, such bankrupt may appear without bail, and may plead the general issue, and give this act, and the special matter in evidence. And the certificate of such bankrupt's conforming, and the allowance thereof, according to the directions of this act, shall be, and shall be allowed to be, sufficient evidence, *prima facie*, of the party's being a bankrupt within the meaning of this act, and of the commission and other proceedings precedent to the obtaining such certificate, and a verdict shall thereupon pass for the defendant, unless the plaintiff in such action can prove the said certificate was obtained unfairly, and by fraud, or unless he can make appear any concealment of estate or effects, by such bankrupt to the value of one hundred dollars. *Provided*, That no such discharge of a bankrupt, shall release or discharge any person who was a partner with such bankrupt, at the time he or she became bankrupt, or who was then jointly held or bound with such bankrupt for the same debt or debts from which such bankrupt was discharged as aforesaid.

SEC. 35. *Provided always, and be it further enacted*, That if the nett proceeds of the bankrupt's estate, so to be discovered, recovered and received, shall not amount to so much as will pay all and every of the creditors of the said bankrupt, who shall have proved their debts under the said commission, the amount of fifty per cent. on their debts respectively, after all charges first deducted, that then, and in such case, the bankrupt shall not be allowed five per centum on such estate as shall be recovered in, but shall have and be paid by the assignees so much money as the commissioners shall think fit to allow, not more than three hundred dollars, nor exceeding three per centum on the nett proceeds of the said bankrupt's estate.

If the bankrupt's estate does not pay half his debts, what allowance he shall have.

SEC. 36. *Provided also, and be it further enacted*, That no person becoming a bankrupt according to the intent and provisions of this act, shall be entitled to a certificate of discharge, or to any of the benefits of the act, unless the commissioners shall certify under their hands, to the judge of the district within which such commission issues, that such bankrupt hath made a full discovery of his or her estate and effects, and in all things conformed him or herself to the directions of this act, and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same was not a full discovery of the said bankrupt's estate and effects; or unless the said judge should be of opinion that the said certificate was unreasonably denied by the commissioners; and unless two thirds, in number and in value, of the creditors of the bankrupt, who shall be creditors for not less than fifty dollars respectively, and who shall have duly proved their debts under the said commission, shall sign such certificate to the judge, and testify their consent to the allowance of a certificate of discharge, in pursuance of this act; which signing and consent shall be also certified by the commissioners; but the said commissioners shall not certify the same till they have proof by affidavit or affirmation, in writing, of such creditors, or of the persons respectively authorized for that purpose, signing the said certificate; which affidavit or affirmation, together with the letter or power of attorney to sign, shall be laid before the judge of the district within which such commission issues, in order for the allowing the certificate of discharge, and the said certificate shall not be allowed unless the bankrupt make oath or affirmation in writing, that the certificate of the commissioners, and consent of the creditors thereunto were obtained fairly and without fraud; and any of the creditors of the said bankrupt are allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making or allowing of such certificates by the commissioners or judge.

A certificate of discharge may be necessary, and how it is to be obtained.

SEC. 37. *And be it further enacted*, That if any creditor, or pretended creditor, of any bankrupt, shall exhibit to the commissioners any ficti-

For what misconduct of the

bankrupt, he shall lose his right to a certificate, &c.

Bankrupt, if arrested, may be discharged on an habeas corpus.

Persons whose debts are due at a future day may prove them.

Obligees of certain bonds, and the assured in a policy of insurance may claim under the commission, &c.

Proceedings on habeas corpus, brought by a person committed by the commissioners.

Penalty on the gaoler suffering such person to go at large.

Prisoner to be produced by the gaoler on demand of a creditor.

tious or false debt, or demand, with intent to defraud the real creditors of such bankrupt, and the bankrupt shall refuse to make discovery thereof, and suffer the fair creditors to be imposed upon, he shall lose all title to the allowance upon the amount of his effects, and to a certificate of discharge as aforesaid, nor shall he be entitled to the said allowance or certificate, if he has lost, at any one time fifty dollars, or in the whole three hundred dollars, after the passing of this act, and within twelve months before he became a bankrupt, by any manner of gaming or wagering whatever.

SEC. 38. *And be it further enacted,* That if any bankrupt, who shall have obtained his certificate, shall be taken in execution or detained in prison, on account of any debts owing before he became a bankrupt, by reason that judgment was obtained before such certificate was allowed, it shall be lawful for any of the judges of the court wherein judgment was so obtained, or for any court, judge, or justice, within the district in which such bankrupt shall be detained, having powers to award or allow the writ of habeas corpus, on such bankrupt producing his certificate so as aforesaid allowed, to order any sheriff or gaoler who shall have such bankrupt in custody, to discharge such bankrupt without fee or charge, first giving reasonable notice to the plaintiff, or his attorney, of the motion for such discharge.

SEC. 39. *And be it further enacted,* That every person who shall have *bona fide* given credit to or taken securities, payable at future days, from persons who are or shall become bankrupts, not due at the time of such persons becoming bankrupt, shall be admitted to prove their debts and contracts, as if they were payable presently, and shall have a dividend in proportion to the other creditors, discounting, where no interest is payable, at the rate of so much per centum per annum, as is equal to the lawful interest of the state where the debt was payable; and the obligee of any bottomry or respondentia bond, and the assured in any policy of insurance, shall be admitted to claim, and after the contingency or loss, to prove the debt thereon, in like manner as if the same had happened before issuing the commission; and the bankrupt shall be discharged from such securities, as if such money had been due and payable before the time of his or her becoming bankrupt; and such creditors may petition for a commission, or join in petitioning.

SEC. 40. *And be it further enacted,* That in case any person, committed by the commissioners' warrant, shall obtain a *habeas corpus*, in order to be discharged, and there shall appear any insufficiency in the form of the warrant, it shall be lawful for the court or judge before whom such party shall be brought by *habeas corpus*, by rule or warrant, to commit such persons to the same prison, there to remain until he shall conform as aforesaid, unless it shall be made to appear that he had fully answered all lawful questions put to him by the commissioners; or in case such person was committed for not signing his examination, unless it shall appear that the party had good reason for refusing to sign the same, or that the commissioners had exceeded their authority in making such commitment; and in case the gaoler to whom such person shall be committed, shall wilfully or negligently suffer such person to escape, or go without the doors or walls of the prison, such gaoler shall, for such offence, being convicted thereof, forfeit a sum not exceeding three thousand dollars for the use of the creditors.

SEC. 41. *And be it further enacted,* That the gaoler shall, upon the request of any creditor, having proved his debt, and showing a certificate thereof, under the hands of the commissioners, which the commissioners shall give without fee or reward, produce the person so committed; and in case such gaoler shall refuse to show such person to such creditor, requesting the same, such person shall be considered as having escaped, and the gaoler or sheriff so refusing, shall be liable as for a wilful escape.

SEC. 42. *And be it further enacted*, That where it shall appear to the said commissioners that there hath been mutual credit given by the bankrupt, and any other person, or mutual debts between them at any time before such person became bankrupt, the assignee or assignees of the estate shall state the account between them, and one debt may be set off against the other, and what shall appear to be due on either side on the balance of such account after such set off, and no more, shall be claimed or paid on either side respectively.

Offsets to be allowed.

SEC. 43. *And be it further enacted*, That it shall and may be lawful to and for the assignee or assignees of any bankrupt's estate and effects, under the direction of the commissioners, and by and with the consent of the major part in value of such of the said bankrupt's creditors, as shall have duly proved their debts under the commission, and shall be present at any meeting of the said creditors, to be held in pursuance of due and public notice for that purpose given, to submit any difference or dispute for, on account of, or by reason or means of, any matter, cause, or thing whatsoever, relating to such bankrupt, or to his or her estate or effects, to the final end and determination of arbitrators to be chosen by the said commissioners, and the major part in value of such creditors as shall be present at such meeting as aforesaid, and the party or parties with whom they shall have such difference or dispute, and to perform the award of such arbitrators, or otherwise to compound and agree the matter in difference and dispute as aforesaid, in such manner as the said assignee or assignees under the direction and with the consent aforesaid, shall think fit and can agree; and the same shall be binding on the several creditors of the said bankrupt, and the said assignee or assignees are hereby indemnified for what they shall fairly do, according to the directions aforesaid.

Assignees may with consent of the commissioners, &c. agree to a reference or compromise.

SEC. 44. *And be it further enacted*, That the assignees shall be, and hereby are vested with full power to dispose of all the bankrupt's estate, real and personal, at public auction or vendue, without being subject to any tax, duty, imposition, or restriction, any law to the contrary notwithstanding.

Bankrupt's estate may be disposed of at public auction, without paying duty, &c.

SEC. 45. *And be it further enacted*, That if after any commission of bankruptcy, sued forth, the bankrupt happen to die before the commissioners shall have distributed the effects, or any part thereof, the commissioners shall, nevertheless, proceed to execute the commission, as fully as they might have done if the party were living.

What is to be done if the bankrupt die, pending the proceedings.

SEC. 46. *And be it further enacted*, That where any commission of bankruptcy shall be delivered to the commissioners, therein named, to be executed, it shall and may be lawful for them before they take the oath or affirmation of qualification, to demand and take from the creditor or creditors prosecuting such commission, a bond with one good security, if required, in the penalty of one thousand dollars, conditioned for the payment of the costs, charges, and expenses, which shall arise and accrue upon the prosecution of the said commission: *Provided always*, that the expenses, so as aforesaid to be secured and paid by the petitioning creditor or creditors, shall be repaid to him or them by the commissioners or assignees, out of the first monies arising from the bankrupt's estate or effects, if so much be received therefrom.

Commissioners may demand security for the expenses of the commission.

SEC. 47. *And be it further enacted*, That the district judges, in each district respectively, shall fix a rate of allowance to be made to the commissioners of bankruptcy, as compensation of services to be rendered under the commission, and it shall be lawful for any creditor, by petition to the district judge, to except to any charge contained in the account of the commissioners: and the said judge, after hearing the commissioners, may in a summary way decide upon the validity of such exception.

District judge to fix the compensation to the commissioners.

SEC. 48. *And be it further enacted*, That all penalties given by this

Penalties how recovered and appropriated.

General issue and double costs provided for defendants who acted under the commission.

Property coming to the bankrupt, before he obtains a certificate, to be vested in the commissioners.

Proceedings of the commissioners to be filed in the office of the clerk of the district, &c.

Creditors may attend the examinations of the bankrupt and the allowance of the certificate.

Trial by jury may be had in relation to certain facts.

Allowance to the bankrupt, pending the proceedings.

Creditors may direct where

act for the benefit of the creditors, shall be recovered by the assignee or assignees by action of debt, and the money so recovered, the charges of suit being deducted, shall be distributed towards payment of the creditors.

SEC. 49. *And be it further enacted,* That if any action shall be brought against any commissioner, or assignee, or other person, having authority under the commission, for any thing done or performed by force of this act, the defendant may plead the general issue, and give this act and the special matter in evidence; and in case of a nonsuit, discontinuance, or verdict or judgment for him, he shall recover double costs.

SEC. 50. *And be it further enacted,* That if any estate real or personal shall descend, revert to, or become vested in any person, after he or she shall be declared a bankrupt, and before he or she shall obtain a certificate, signed by the judge as aforesaid, all such estate shall, by virtue of this act, be vested in the said commissioners, and shall be by them assigned and conveyed to the assignee or assignees in fee simple, or otherwise, in like manner as above directed, with the estate of the said bankrupt, at the time of the bankruptcy, and the proceeds thereof shall be divided among the creditors.

SEC. 51. *And be it further enacted,* That the said commissioners shall, once in every year, carefully file, in the clerk's office of the district court, all the proceedings had in every case before them, and which shall have been finished, including the commissions, examinations, dividends, entries, and other determinations of the said commissioners, in which office, the final certificate of the said bankrupt may also be recorded; all which proceedings shall remain of record in the said office, and certified copies thereof shall be admitted as evidence in all courts, in like manner as the copies of the proceedings of the said district court are admitted in other cases.

SEC. 52. *And be it further enacted,* That it shall and may be lawful for any creditor of such bankrupt, to attend all or any of the examinations of said bankrupt, and the allowance of the final certificate, if he shall think proper, and then and there to propose interrogatories, to be put by the judge or commissioners to the said bankrupt and others, and also to produce and examine witnesses and documents before such judge or commissioners, relative to the subject matter before them. And in case either the bankrupt or creditor shall think him or herself aggrieved by the determination of the said judge or commissioners, relative to any material fact, in the commencement or progress of the said proceedings, or in the allowance of the certificate aforesaid, it shall and may be lawful for either party to petition the said judge, setting forth such facts and the determination thereon, with the complaint of the party, and a prayer for trial by a jury to determine the same, and the said judge shall, in his discretion, make order thereon, and award a *venire facias* to the marshal of the district, returnable within fifteen days before him, for the trial of the facts mentioned in the said petition, notice whereof shall be given to the commissioners and creditors concerned in the same; at which time the said trial shall be had, unless, on good cause shown, the judge shall give farther time, and judgment being entered on the verdict of the jury, shall be final, on the said facts, and the judge or commissioners shall proceed agreeably thereto.

SEC. 53. *And be it further enacted,* That the commissioners before the appointment of assignees, and the assignees after such appointment, may, from time to time, make such allowance out of the bankrupt's estate until he shall have obtained his final discharge, as in their opinion may be requisite for the necessary support of the said bankrupt and his family.

SEC. 54. *And be it further enacted,* That it shall be lawful for the major part in value of the creditors, before they proceed to the choice

of assignees, to direct in what manner, with whom, and where the monies arising by, and to be received from time to time out of the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided; to which direction every such assignee and assignees shall conform as often as three hundred dollars shall be received.

SEC. 55. *And be it further enacted*, That every matter and thing by this act, required to be done by the commissioners of any bankrupt, shall be valid to all intents and purposes, if performed by a majority of them.

SEC. 56. *And be it further enacted*, That in all cases where the assignees shall prosecute any debtor of the bankrupt for any debt, duty or demand, the commission, or a certified copy thereof, and the assignment of the commissioners of the bankrupt's estate, shall be conclusive evidence of the issuing the commission, and of the person named therein, being a trader and bankrupt, at the time mentioned therein.

SEC. 57. *And be it further enacted*, That every person obtaining a discharge from his debts, by certificate as aforesaid, granted under a commission of bankruptcy, shall not, on any future commission, be entitled to any other certificate than a discharge of his person only; unless the nett proceeds of the estate and effects of such person so becoming bankrupt a second time, shall be sufficient to pay seventy-five per cent. to his or her creditors on the amount of their debts respectively.

SEC. 58. *And be it further enacted*, That any creditor of a person, against whom a commission of bankruptcy shall have been sued forth, and who shall lay his claim before the commissioners appointed in pursuance of this act, may at the same time declare his unwillingness to submit the same to the judgment of the said commissioners, and his wish that a jury may be impaneled to decide thereon: And in like manner the assignee or assignees of such bankrupt may object to the consideration of any particular claim by the commissioners, and require that the same should be referred to a jury. In either case, such objection and request shall be entered on the books of the commissioners, and thereupon an issue shall be made up between the parties, and a jury shall be impaneled, as in other cases, to try the same in the circuit court for the district in which such bankrupt has usually resided. The verdict of such jury shall be subject to the control of the court, as in suits originally instituted in the said court, and when rendered, if not set aside by the court, shall be certified to the commissioners, and shall ascertain the amount of any such claim, and such creditor or creditors shall be considered in all respects as having proved their debts under the commission.

SEC. 59. *And be it further enacted*, That the lands and effects of any person becoming bankrupt may be sold on such credit, and on such security, as a major part in value of the creditors may direct: *Provided*, nothing herein contained shall be allowed so to operate, as to retard the granting the bankrupt's certificate.

SEC. 60. *And be it further enacted*, That if any person becoming bankrupt, shall be in prison, it shall be lawful for any creditor or creditors, at whose suit he or she shall be in execution, to discharge him or her from custody, or if such creditor or creditors shall refuse to do so, the prisoner may petition the commissioners, to liberate him or her, and thereupon, if, in the opinion of the commissioners, the conduct of such bankrupt shall have been fair, so as to entitle him or her in their opinion, to a certificate, when by law such certificate might be given, it shall be lawful for them to direct the discharge of such prisoner, and to enter the same in their books, which being notified to the keeper of the gaol in which such prisoner may be confined, shall be a sufficient authority for his or her discharge: *Provided*, that in either case, such dis-

the money shall be deposited.

Majority of the commissioners may act.

The commission shall be evidence of the party being a bankrupt, &c.

Effect of a discharge under a second commission.

Claims of creditors may be tried by jury.

Bankrupt's estate may be sold on credit.

Creditors or commissioners may release the bankrupt from prison, and the former may issue a new execution if he does not obtain a discharge.

charge shall be no bar to another execution, if a certificate shall be refused to such bankrupt: *And provided also*, that it shall be no bar to a subsequent imprisonment of such bankrupt by order of the commissioners, in conformity with the provisions of this act.

How far this act shall affect the insolvent laws of the states.

SEC. 61. *And be it further enacted*, That this act shall not repeal or annul, or be construed to repeal or annul the laws of any state now in force, or which may be hereafter enacted, for the relief of insolvent debtors, except so far as the same may respect persons, who are, or may be clearly within the purview of this act, and whose debts shall amount in the cases specified in the second section thereof to the sums therein mentioned. And if any person within the purview of this act, shall be imprisoned for the space of three months, for any debt, or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may and shall be entitled to relief, under any such laws for the relief of insolvent debtors, this act notwithstanding.

Saving of the rights of the U. States and of each state as to their debts.

SEC. 62. *And be it further enacted*, That nothing contained in this law shall, in any manner, effect the right of preference to prior satisfaction of debts due to the United States as secured or provided by any law heretofore passed, nor shall be construed to lessen or impair any right to, or security for, money due to the United States or to any of them.

Saving of existing liens.

SEC. 63. *And be it further enacted*, That nothing contained in this act, shall be taken, or construed to invalidate, or impair any lien existing at the date of this act, upon the lands or chattels of any person who may have become a bankrupt.

Limitation of this act.

SEC. 64. *And be it further enacted*, That this act shall continue in force during the term of five years, and from thence to the end of the next session of Congress thereafter, and no longer: *Provided*, that the expiration of this act shall not prevent the complete execution of any commission which may have been previously thereto issued.

APPROVED, April 4, 1800.

STATUTE I.

April 5, 1800.

Repealed by Act of Nov. 25, 1803, ch. 5.

CHAP. XXI.—*An Act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act intituled "An act to regulate the collection of duties on imports and tonnage."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any goods, wares or merchandise, which shall be exported from the United States, after the tenth day of April current, in the manner prescribed by law, to the port of New Orleans, on the river Mississippi, shall be deemed and taken to be entitled to such drawbacks of duties as would be allowable thereon, when exported to any other foreign port or place, any thing in the act intituled "An act to regulate the collection of duties on imports and tonnage," to the contrary hereof notwithstanding.

APPROVED, April 5, 1800.

STATUTE I.

April 12, 1800.

[Obsolete.]

Act of Feb. 16, 1792, ch. 6.
Act of June 19, 1813, ch. 2.

Continuation of the act for ten years.

CHAP. XXII.—*An Act to continue in force "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and for other purposes as therein mentioned.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act intituled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," shall be in force, and is hereby continued for the term of ten years, from the third day of March, one thousand eight hundred, and until the end

of the session of Congress next ensuing the expiration of that term, any thing in the ninth section of the said act to the contrary hereof notwithstanding.

SEC. 2. *And be it further enacted*, That the additional allowances which were by the sixth section of the act, intituled, "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," and by the second section of the act, intituled, "An act laying an additional duty on salt, and for other purposes," respectively granted to ships or vessels employed in the bank and other cod fisheries, shall be continued to the ships and vessels, respectively, which shall be so employed, in the terms and according to the intent of the said first mentioned act, for and during the further continuance thereof, as aforesaid: *Provided*, that the said allowances shall not be understood to be continued for a longer time than the correspondent duties respectively, for which the said additional allowances were granted, shall be payable.

Continuation
of certain allow-
ances to fishing
vessels.
Vol. i. 260.
Vol. i. 533.

APPROVED, April 12, 1800.

STATUTE I.

CHAP. XXIII.—*An Act to alter the form of certain oaths and affirmations directed to be taken by the act intituled "An act providing for the second census or enumeration of the inhabitants of the United States."*

April 12, 1800.

[Obsolete.]

Act of Feb.
28, 1800, ch. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act passed during the present session of Congress, intituled "An act providing for the second census or enumeration of the inhabitants of the United States," as relates to the form of the oaths or affirmations thereby directed to be taken by the marshals, secretaries, and assistants therein mentioned respectively, shall be, and hereby is repealed, and that the said oaths or affirmations shall be in the following form; that is to say: the marshals and secretaries' oath or affirmation in the form following: "I, A. B. marshal of the district of (or the secretary of the territory of as the case may be) do solemnly swear or affirm, that I will well and truly cause to be made a just and perfect enumeration and description of the persons resident within my district (or within the territory of as the case may be) and will return the same to the Secretary of State agreeably to the directions of an act of Congress, intituled 'An act providing for the second census or enumeration of the inhabitants of the United States,' according to the best of my ability." And the assistants' oath or affirmation in the form following: I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of (or the secretary of the territory of as the case may be) and make due return thereof to the said marshal (or secretary) agreeably to the directions of an act of Congress, intituled "An act providing for the second census or enumeration of the inhabitants of the United States," according to the best of my ability.

APPROVED, April 12, 1800.

STATUTE I.

CHAP. XXV.—*An Act to extend the privilege of obtaining patents for useful discoveries and inventions, to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.*(a)

April 17, 1800.

[Repealed.]

Aliens having
resided two
years within the

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all and

(a) See act of February 21, 1793, chap. 11.

United States entitled to the benefit of the former act.

Act of Feb. 21, 1793, ch. 11.

Oath to be taken by such resident, that the invention or discovery hath not been used.

The legal representatives of a deceased inventor may obtain a patent.

Damages for breach of patent right.

To be recovered by action on the case in the circuit court.

Repeal of part of the former act.

Act of Feb. 21, 1793, ch. 11.

STATUTE I.

April 22, 1800.

[Repealed.]

Act of March 16, 1802, ch. 9.

singular the rights and privileges given, intended or provided to citizens of the United States, respecting patents for new inventions, discoveries, and improvements, by the act, intituled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby are extended and given to all aliens who at the time of petitioning in the manner prescribed by the said act, shall have resided for two years within the United States, which privileges shall be obtained, used, and enjoyed, by such persons, in as full and ample manner, and under the same conditions, limitations and restrictions, as by the said act is provided and directed in the case of citizens of the United States. *Provided always*, That every person petitioning for a patent for any invention, art or discovery, pursuant to this act, shall make oath or affirmation before some person duly authorized to administer oaths before such patent shall be granted, that such invention, art or discovery hath not, to the best of his or her knowledge or belief, been known or used either in this or any foreign country; and that every patent which shall be obtained pursuant to this act, for any invention, art or discovery, which it shall afterwards appear had been known or used previous to such application for a patent, shall be utterly void.

SEC. 2. *And be it further enacted*, That where any person hath made, or shall have made, any new invention, discovery or improvement, on account of which a patent might, by virtue of this or the above-mentioned act, be granted to such person, and shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent, shall devolve on the legal representatives of such person in trust for the heirs at law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations and restrictions, as the same was held or might have been claimed or enjoyed by such person, in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation, provided in the third section of the before-mentioned act, shall be so varied as to be applicable to them.

SEC. 3. *And be it further enacted*, That where any patent shall be, or shall have been granted pursuant to this or the above-mentioned act, and any person without the consent of the patentee, his or her executors, administrators or assigns first obtained in writing, shall make, devise, use, or sell the thing whereof the exclusive right is secured to the said patentee by such patent, such person so offending, shall forfeit and pay to the said patentee, his executors, administrators or assigns, a sum equal to three times the actual damage sustained by such patentee, his executors, administrators, or assigns, from or by reason of such offence, which sum shall and may be recovered, by action on the case founded on this and the above-mentioned act, in the circuit court of the United States, having jurisdiction thereof.

SEC. 4. *And be it further enacted*, That the fifth section of the above-mentioned act, intituled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby is repealed.

APPROVED, April 17, 1800.

CHAP. XXVI.—*An Act to fix the compensation of the Paymaster-General, and Assistant to the Adjutant-General.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the paymaster-general of the army of the United States shall receive one hundred and twenty dollars per month, with the rations and forage of a major, in full compensation for his services and travelling expenses, to

be computed from the commencement of the time of his actual residence at the seat of government, any thing in the "Act for the better organizing of the troops of the United States, and for other purposes," to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the pay of the assistant of the adjutant-general, in addition to his pay and other emoluments in the line of the army, shall be forty dollars per month, which shall be in full compensation for his extra services and travelling expenses, to be computed from the time of his entering upon actual service.

APPROVED, April 22, 1800.

STATUTE I.

CHAP. XXVII.—*An Act to continue in force the act intituled "An act to authorize the defence of the merchant vessels of the United States against French depredations."*

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed on the twenty-fifth day of June, one thousand seven hundred and ninety-eight, intituled "An act to authorize the defence of the merchant vessels of the United States against French depredations," excepting such parts of the said act as relate to salvage in cases of recapture, shall continue and be in force for and during the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

[Obsolete.]
June 25, 1798,
ch. 60.

APPROVED, April 22, 1800.

STATUTE I.

CHAP. XXVIII.—*An Act to continue in force, for a limited time, an act intituled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses."*

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the twenty-third day of January, one thousand seven hundred and ninety-eight, intituled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," shall be and continue in force for the term of four years, and no longer.

Act of Jan.
23, 1798, ch. 8.

APPROVED, April 22, 1800.

STATUTE I.

CHAP. XXIX.—*An Act fixing the rank and pay of the commanding officer of the Corps of Marines.*(a)

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a lieutenant-colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant-colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; and that the office of major of the said corps shall thereafter be abolished.

Lieutenant-Colonel to be appointed.
Act of July 11, 1798, ch. 72.
Act of March 3, 1817, ch. 65.
Office of Major of the corps abolished.

APPROVED, April 22, 1800.

STATUTE I.

CHAP. XXX.—*An Act supplementary to the Act to regulate trade and intercourse with the Indian Tribes, and to preserve peace on the Frontiers.*

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the pass-

Act of March
30, 1802, ch. 12.

(a) Act of July 11, 1798, chap. 72; act of March 3, 1817, chap. 65.

Military officers, who may arrest any one in the Indian territory for violating the laws for the protection of the Indian territory, to take the person before a magistrate.

Act of March 3, 1799, ch. 46.

ing of this act, it shall be lawful for any military officer, who may have charge or custody of any person or persons, who may have been, or shall be apprehended in the Indian country, over and beyond the boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of the act, intituled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," to conduct him or them to some one of the justices of the inferior or county court of any county nearest to the place of his arrest, who, if the offence is bailable, is hereby authorized to take proper bail, if offered, in like manner as the judge of the superior court of any state is authorized to do, in and by the act above recited; unless such person, holden in custody as aforesaid, shall be charged upon oath with murder, or any other offence punishable with death, in which case such justice of any inferior or county court shall not have authority to take bail for such person.

APPROVED, April 22, 1800.

STATUTE I.

April 23, 1809.

Repealed by Act of April 6, 1802, ch. 19. Superintendent of stamps to be appointed.

His duty.

1801, ch. 20.

His office to be held at the seat of government.

His allowance.

Privilege of franking.

Allowance of clerks.

He shall give bond.

Certain powers of the supervi-

CHAP. XXXI.—*An Act to establish a general Stamp Office.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be appointed an officer to be denominated superintendent of stamps, whose duty it shall be to superintend the stamping and marking of all vellum, parchment, and paper; to distribute the same among the officers who are, or shall be authorized to secure and collect the duties thereupon, and to keep fair and true records and accounts of his proceedings; which said officer, so to be appointed, shall be subject to the superintendence, control, and direction of the treasury department, according to the respective authorities and duties of the officers thereof; and shall, for the better execution of the duties and trusts in him reposed, observe and execute such directions as he shall, from time to time, receive from said department.

SEC. 2. *And be it further enacted,* That the said superintendent shall hold his office at the seat of the government of the United States, and shall be allowed as a compensation for his services the sum of two thousand dollars annually, to be paid quarter-yearly at the treasury of the United States; and shall also be allowed the necessary expenses of office rent, fuel, printing and packing, and of procuring books and stationery for the use of his office, and that all letters and packages to and from him shall be free of postage.

SEC. 3. *And be it further enacted,* That the said superintendent shall, with the approbation of the principal officer of the treasury department, employ such number of clerks and other assistants in his office as shall be found necessary; and shall apportion and vary the compensation to each, in such manner as the services rendered by each shall in his judgment require: *Provided,* that the whole amount of the compensations to said clerks and assistants shall not exceed two thousand five hundred dollars annually.

SEC. 4. *And be it further enacted,* That the said superintendent shall, within three months after entering upon his office, give bond with sureties for the true and faithful execution thereof, and for the settlement of his accounts at the periods which shall be prescribed by the proper officers at the treasury department, in the sum of ten thousand dollars, which bond shall be approved by the comptroller of the treasury, and kept in his office to be by him put in suit for the benefit of the United States, upon any breach of the conditions thereof.

SEC. 5. *And be it further enacted,* That from and after the establishment of the office aforesaid at the seat of government, and after six

months' notice of the new stamps hereby directed to be prepared and issued; which notice shall be given by the Secretary of the Treasury, in the manner directed by the tenth section of the act, intituled "An act laying duties on stamped vellum, parchment, and paper," so much of the act or acts heretofore passed, as empower and require the supervisors of the revenue to stamp or mark any vellum, parchment, or paper, shall cease and determine.

SEC. 6. *And be it further enacted*, That if any deed, instrument, or writing whatever, charged by law with the payment of duty, shall have been, or shall be written or printed, by any person or persons whomsoever, upon vellum, parchment, or paper not stamped or marked according to law, or upon vellum, parchment, or paper, stamped or marked at a lower rate of duty than is by law required for such deed, instrument, or writing; then and in every such case, it shall be lawful for the person or persons holding such deed, instrument, or writing, within twelve calendar months after the time of giving notice as aforesaid, or within six calendar months after the execution of such deed, instrument, or writing, to pay to the collector of the revenue within whose collection district such person or persons shall reside, the duty chargeable by law on such deed, instrument, or writing, together with ten dollars in addition to such duty, which duty and additional sum of ten dollars, such collector is hereby authorized and required to receive, and without fee or reward to endorse a receipt therefor under his hand and seal, upon some part of such deed, instrument or writing, which deed, instrument or writing so endorsed, it shall then be lawful for such person or persons to produce to the surveyor of the revenue within whose assessment district such person or persons shall reside, which surveyor thereupon shall certify under his hand and seal, and upon some part of the said deed, instrument or writing, that the same so endorsed as aforesaid has been produced to him, and that the said endorsement is in his belief genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument or writing, shall be to all intents and purposes as valid and available, as if the same had been or were stamped, counterstamped, or marked as by law required, any thing in any act to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That every collector of the revenue shall keep a separate account of all monies by him received in manner last aforesaid, and shall at such times as the Secretary of the Treasury shall direct, transmit the said account together with such monies, and a memorandum of all receipts by him endorsed in manner aforesaid, to the supervisor of the district, or the inspector of the survey, as the case may be; and that every surveyor of the revenue shall, at such time as the Secretary of the Treasury shall direct, transmit to the said supervisor or inspector, as the case may be, a true copy of all certificates given by him as aforesaid, and of the receipts respectively certified, and thereupon such surveyor shall be entitled to receive from the supervisor or inspector fifty cents for every such certificate by him signed as aforesaid.

SEC. 8. *And be it further enacted*, That if any person, with intent to defraud the United States of any sum of monies directed to be paid by this act, or of any of the duties or duty laid by the act, intituled "An act laying duties on stamped vellum, parchment, and paper," shall counterfeit or forge, or cause or procure to be counterfeited or forged, any of the certificates, receipts or endorsements, provided for and directed by the sixth section of this act, or shall utter, pass away, vend or offer in evidence, in any court of justice, any such forged or counterfeit receipt, certificate or endorsement, knowing the same to be forged or counterfeit, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged guilty of a misdemeanor, and shall

sors to cease after six months notice, &c.

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Manner of legalizing an instrument not stamped or improperly stamped.

Duty of the Collectors and Surveyors of the revenue herein.

Penalty on forging or uttering receipts or certificates directed by the sixth section.

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be subject to be fined in any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

Mode of procuring stamps to the blank vellum, &c. of individuals.

SEC. 9. And for the convenience of those persons who may be inclined to have their own vellum, parchment, and paper stamped or marked, *Be it further enacted*, that when any person or persons shall deposit any vellum, parchment, or paper, at the office of any supervisor, accompanying the same with a list, which shall specify the number and denomination of the stamps or marks which are to be thereto affixed, it shall be the duty of the said supervisor to transmit the same to the stamp-office at the seat of government, where such paper, parchment and vellum shall be properly marked or stamped, and forthwith sent back to the said supervisor, who shall thereupon collect the duties and deliver the vellum, parchment, and paper, pursuant to the order of the person from whom it was received.

Vellum, &c. to be counter-stamped.

SEC. 10. *And be it further enacted*, That all vellum, parchment, and paper, to be stamped or marked at the said office, shall, before it is delivered for sale, use, or distribution, be carried from the said office to the office of the commissioner of the revenue, and be there counter-stamped or marked, under the direction of the said commissioner, and in such manner as the Secretary of the Treasury shall devise and direct; and after being so counterstamped or marked, shall be returned to the office of the superintendent of stamps, to be by him distributed according to the true intent and meaning of this act, of all which vellum, parchment, and paper, so sent to be counterstamped or marked, and so returned to the office of the superintendent aforesaid, an account shall be kept by the commissioner of the revenue, and from time to time returned to the proper officers of the treasury department.

Penalty on forging stamps, &c.

SEC. 11. *And be it further enacted*, That if any person or persons, with intent to defraud the United States of any of the duties or duty laid by the act, entitled "An act laying duties on stamped vellum, parchment and paper," or by any act or acts for amending the same, shall counterfeit or forge, or shall cause or procure to be counterfeited or forged, or shall knowingly or wilfully aid or assist in counterfeiting or forging any stamp, counterstamp, or mark, which shall be provided or made in pursuance of this act, or shall counterfeit or resemble, or shall knowingly and wilfully aid or assist in counterfeiting or resembling, or shall cause to be counterfeited or resembled, the impression of any such stamp, counterstamp or mark, upon any vellum, parchment, or paper, or shall knowingly or wilfully utter, vend, or sell, or offer in evidence in any court of justice any vellum, parchment, or paper, with such counterfeit mark or impression thereon, or shall privately or fraudulently use any stamp, counterstamp or mark directed or allowed to be used by this act, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged guilty of a misdemeanor, and be subject to be fined in any sum not exceeding one thousand dollars, and imprisoned for any time not exceeding seven years.

APPROVED, April 23, 1800.

STATUTE I.

April 23, 1800.

CHAP. XXXII.—*An Act to alter and to establish sundry Post Roads.*

[Obsolete.]
Discontinuance of certain post roads.

Act of May 1, 1810.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following post roads be discontinued, viz :—From Washington to Petersburg, in Georgia; from Augusta, by Robinson's, at the White Ponds, and Gillet's Mills, to Coosawhatchie; from Charlotte, by Lincolnton, to Statesville, North Carolina; from Chester Courthouse to Spartan Courthouse; from Fayetteville, by Lumberton, to Cheraw Courthouse; from Moffat's store to Danville; from Culpepper Courthouse to Orange Court-

house; from Leesburg to Fauquier Courthouse; from Tappahannock, by Richmond Courthouse, and Westmoreland Courthouse, to Kinsale; from Prince Edward Courthouse to Lynchburg; from Easton, by New Market, to Vienna; from Allensfresh, by Hoe's ferry, to Port Conway; from Bladensburg to Upper Marlborough; from Harrisburg, by Petersburg, Millerstown, Thompsontown, Mifflintown, Lewistown, Huntingdon, Alexandria, Center Furnace, Bellefont, Milesburg, Aaronsburg, Mifflinsburg, Lewisburg, Northumberland and Sunbury, to Harrisburg; from Easton to Sussex Courthouse; from New Brunswick to New Germantown; from Washington, in Pennsylvania, to Wheeling, in Virginia; from Old Fort Schuyler, by Cincinnatus, to Oxford; from Vergennes to Basonharbor, to Plattsburg; from Rome to Rotterdam; from Boston, by Taunton, to New Bedford; from Camden, by Lancaster, South Carolina, Charlotte, North Carolina, and Lincolnton, to Statesville, North Carolina; from Fayetteville, to Pittsburg, in Chatham county; from Halifax Courthouse, Virginia, by Danville, to Caswell Courthouse; from Liberty, by Rocky Mount, to Martinville; from Louisburg, by Nash Courthouse, to Tarborough; from Newbern, by Beaufort and Swansborough, to Newbern; from Rutherfordton, to Spartanburg; from Springfield, Massachusetts, to Northampton; from Standish, in Maine, by Flintstown, and Fryberg, to Conway, Tamworth and Sandwich, in New Hampshire; from Suffolk, by South Quay, to Murfreesborough; from Wilmington, North Carolina, to Georgetown, South Carolina; from Petersburg, by Sussex Courthouse, and Southampton Courthouse, to South Quay.

Discontinuance
of certain post
roads.

SEC. 2. *And be it further enacted,* That the following be established as post roads, viz.

New post roads
established.

In Georgia.—From Augusta to Petersburg, by Lincoln Courthouse; from Franklin Courthouse to Jackson Courthouse; from Georgetown to Warrenton; from Louisville to Saundersville; from Washington to Ogelthorpe Courthouse.

In South Carolina.—From Augusta, Georgia, by the Three Runs, to Coosawhatchie; the post road from Edgefield Courthouse, to Augusta, shall pass through Campbelltown; from Georgetown, by Willtown, Greenville, and Chatham, to Richmond Courthouse, North Carolina; from Statesburg, by Salem Courthouse, and Kingstree, to Willtown; from Columbia to Clarendon Courthouse; from Chester Courthouse, by York Courthouse, Pinckneyville, and Union Courthouse, to Spartanburg.

In North Carolina.—From Washington to Bath, and from thence by Woodstock, to Hyde Courthouse; from Fayetteville, by M'Fall's, and Winfield's, to Cheraw Courthouse, South Carolina; from Fayetteville, by Lumberton and Barefield's mill, to Willtown, South Carolina; from Lumberton, by Elizabethtown, to the house of John Anders, or William H. Beaty, on South River; from Fayetteville to Wilmington; from Charlotte, by Lincolnton, and Morganton, Buncomb Courthouse, the Warm Springs, and thence to Greenville, in Tennessee; the post road from Salem to Salisbury, shall pass through Lexington; the post road from Raleigh to Newbern, shall pass through the county of Davie; the post road from Moore Courthouse to Salisbury, to pass by the new or old Courthouse of Randolph, as may be found most eligible; from Rockford to Grayson Courthouse, Virginia.

In Tennessee.—From Knoxville to Marysville; from Sullivan Courthouse, by Hawkins Courthouse, and Orr's tavern, to Knoxville; from Nashville, by Robertson Courthouse, and Montgomery Courthouse, to Palmyra; from Nashville to Natchez, in the Mississippi territory; the post road which now passes from Abington, in Virginia, to Knoxville, in Tennessee, shall hereafter pass by Sullivan Courthouse, Jonesborough, Greenville, Cheek's cross roads, and Jefferson Courthouse.

In Kentucky.—From Frankfort, by Versailles, and Richmond, to

New post roads established.

Orr's tavern, Tennessee; from Danville, by Standford, to Lancaster; from Frankfort, by Clark Courthouse, Montgomery Courthouse, and Fleming Courthouse, to Washington; from Frankfort, by Scott Courthouse, Harrison Courthouse, Pendleton Courthouse, and Campbell Courthouse, to Cincinnati, North Western Territory; from Frankfort, by Shelbysville, Bardstown, Hardin Courthouse, and Logan Courthouse, to Robinson Courthouse, in Tennessee; the post road from Washington, to Cincinnati, shall pass by Bracken Courthouse; the post road from Beardstown, to Louisville, shall pass through Shepherdsville; from Logan Courthouse, by Christian Courthouse, Livingston Courthouse, Henderson Courthouse, to Muhlenberg Courthouse; and from Logan Courthouse, by Warren Courthouse, and Barren Courthouse, to Green Courthouse.

In the North Western Territory.—From Washington, Kentucky, by Manchester, in North Western Territory, to Chilicothe; from Louisville, Kentucky, to Vincennes; from Zanes, on the Muskingum, to Marietta.

In Virginia.—From Culpepper Courthouse, by Madison Courthouse, to Orange Courthouse; from Fredericksburg, by Spotsylvania Courthouse, and Louisa Courthouse, to Columbia; from Fredericksburg, by King George Courthouse, Mattoxbridge, Leedstown, Westmoreland Courthouse on Templeman's cross roads, Richmond Courthouse, and Farnham, to Kinsale; from Fredericksburg, by Rogers' mills, Chiles' store, Chesterfield, Oxford, and Crew's store, to Goochland Courthouse; from King and Queen Courthouse, to Shackelford's store; from Gloucester Courthouse, to Matthews Courthouse; from Moorefields, by Franklin, to Bath Courthouse; from Richmond, by Coles' in Chesterfield county, Janetoebriidge, Amelia Courthouse, Pridesville, and Ligontown, to Jamestown; from Petersburg, by Amelia Courthouse, Nottaway Courthouse, Bibb's ferry on Staunton river, to Halifax Courthouse; from Alexandria, by Centerville, Middleburg, Paris, and Millwood, to Winchester; from Cartersville, by New Canton, Buckingham Courthouse, and Bent Creek, to Lynchburg; from Remney, by Springfield and Frankfort, to Cumberland, in Maryland; from Centerville, by the Red House, to Fauquier Courthouse; from Washington, Pennsylvania, by Charlestown or Brooke Courthouse, in Virginia, to Wheeling; the post road from Alexandria to Leesburg, shall pass through Matildaville; and the post road from Leesburg, to Shepherdstown, shall pass through Charlestown, in the county of Berkeley; the post road from Sweetspring, to Greenbrier Courthouse, shall pass by Monroe Courthouse; from Greenbrier Courthouse to Kanaway Courthouse; from Lexington, direct to Cabellsburg; from Mecklenburg Courthouse, the mail shall return by Christian's store, at Cox's, to Lunenburg Courthouse, and Edmond's store, to Gholson's.

In Maryland.—From Baltimore, by Reisterstown, Westminster, Taneytown and Emmitsburg, to Fairfield, Pennsylvania; from Baltimore, by Libertytown, to Fredericktown; and from Fredericktown, by Harper's Ferry, to Charlestown, in Berkeley county, Virginia; from Port Tobacco, by the Top of the Hill, to Nanjemoy; from Leonardtown, by the Great Mill to the Ridge; from Washington, to Upper Marlborough; from Washington, by Queen Ann, to Annapolis; from Easton, by Cambridge and New Market, to Vienna; from Easton, by Hillsborough, Denton and Greensborough, to Whitelysburg.

In Pennsylvania.—From Lancaster, by Elizabethtown and Middletown, to Harrisburg, Sunbury, and Northumberland; from Lancaster, to New Holland; from Harrisburg, by Clark's ferry, Millerstown, Thompsettown, Mifflintown, Lewistown, and Huntington, to Alexandria; from Lewistown, by Mifflintown, Aaronsburg, Milesburg, and Bellefont, to Centre Furnace; from Lewistown, by Muncey, and Milton, to Williamsport; from Northumberland, to Berwick, and thence by

Catawasee, to Northumberland; from Wilkesbarre, by Wyalusing, to Athens; from Union, to New Geneva; from Pittsburg, by Franklin, Meadville, and Le Beuf, to Presqu'isle; from Washington to Waynesburg.

In New York.—From Hudson, by Katskill, Harpersfield, Ouliot, Unadilla, and Union, to Athens, Pennsylvania; from Athens, Pennsylvania, by Newtown, Painted Post, and Bath, to Canandarqua; from Utica, by New Hartford, Hamilton and Sherbourne, to Oxford; from Cooperstown, on the State road, to Scipio; from Vergennes, Vermont, by Charlotte, Vermont, and Peru, to Plattsburg.

In New Jersey.—From Easton, Pennsylvania, by Belvidere, and Johnsonburg, to Newtown; from New Brunswick, by Somerset Courthouse, and Pluckemin, to New Germantown; from Trenton, by Bordentown, Slabtown, Mount Holly, Moorestown, and Haddenfield, to Philadelphia.

In Connecticut.—From Fairfield, by Trumbull, Huntington, Newtown, and Brookfield, to New Milford.

In Massachusetts.—From Boston, by Bridgewater, and Taunton, to New Bedford; from New Bedford, by Rochester, and Wareham, to Sandwich; from Hanover, by Scituate, Marshfield, and Duxbury, to Kingston; from Truro to Provincetown; from Billerica, by Patucket bridge, to Dracut, and Hovey's tavern, to Pelham, and Nottingham, West, in New Hampshire; from Concord, by Groton, New Ipswich, and Jaffray, to Marlborough, New Hampshire.

In Vermont.—From Westminster, by Bellows Falls, through Rockingham, Chester, and Cavendish, to Rutland; from Newbury, to Danville; from Burlington, through St. Albans, to Hyegate.

In New Hampshire.—From Exeter, by Nottingham, to Concord; from Salisbury, through Grafton, to Hanover.

In Maine.—From Portland, by Windham, Waterford, Buckfield, and Turner, to Portland; from Bucktown, to Edenton.

SEC. 3. *And be it further enacted,* That nothing contained in this act shall be construed so as to affect any existing contracts for carrying the mail.

APPROVED, April 23, 1800.

New postroads established.

STATUTE I.

CHAP. XXXIII.—*An Act for the better government of the Navy of the United States.*

April 23, 1800.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

Rules and regulations for the government of the navy.

April 23, 1800, ch. 33.

Art. I. The commanders of all ships and vessels of war belonging to the navy, are strictly enjoined and required to show in themselves a good example of virtue, honour, patriotism and subordination; and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them, according to the usage of the sea service.

Exemplary conduct incumbent on commanders.

Art. II. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner twice a day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents prevent it; and that they cause all, or as many of the ship's company as can be spared from duty, to attend at every performance of the worship of Almighty God.

Divine service and preaching.

Art. III. Any officer, or other person in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or

Punishment of certain scandalous offences.

any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge; if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes; but if the offence require severer punishment, he shall be tried by a court martial, and suffer such punishment as said court shall inflict.

Penalties on the breach of duty in respect of attack and battle.

Art. IV. Every commander or other officer who shall, upon signal for battle, or on the probability of an engagement, neglect to clear his ship for action, or shall not use his utmost exertions to bring his ship to battle, or shall fail to encourage, in his own person, his inferior officers and men to fight courageously, such offender shall suffer death, or such other punishment as a court martial shall adjudge; or any officer neglecting, on sight of any vessel or vessels of an enemy, to clear his ship for action, shall suffer such punishment as a court martial shall adjudge; and if any person in the navy shall treacherously yield, or pusillanimously cry for quarters, he shall suffer death, on conviction thereof, by a general court martial.

Disobedience in time of battle.

Art. V. Every officer or private who shall not properly observe the orders of his commanding officer, or shall not use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in battle; or shall at such time, basely desert his duty or station, either then, or while in sight of an enemy, or shall induce others to do so, every person so offending shall, on conviction thereof by a general court martial, suffer death or such other punishment as the said court shall adjudge.

Deserting duty.

Punishment of cowardice, &c. death.

Art. VI. Every officer or private who shall through cowardice, negligence, or disaffection in time of action, withdraw from, or keep out of battle, or shall not do his utmost to take or destroy every vessel which it is his duty to encounter, or shall not do his utmost endeavour to afford relief to ships belonging to the United States, every such offender shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Papers to be transmitted respecting captures to the district judge of the district to which the prize is ordered.

List of officers, &c.

Art. VII. The commanding officer of every ship or vessel in the navy, who shall capture, or seize upon any vessel as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals unmutilated to the judge of the district to which such prize is ordered to proceed, and shall transmit to the navy department, and to the agent appointed to pay the prize money, complete lists of the officers and men entitled to a share of the capture, inserting therein the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court martial shall adjudge.

Penalty on pillaging a prize, or maltreating the persons on board the same.

Art. VIII. No person in the navy shall take out of a prize, or vessel seized as prize, any money, plate, goods, or any part of her rigging, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels of the United States, before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein shall forfeit his share of the capture, and suffer such further punishment as a court martial, or the court of admiralty in which the prize is adjudged, shall impose.

Protection of persons taken on board of prizes.

Art. IX. No person in the navy shall strip of their clothes, or pillage, or in any manner maltreat persons taken on board a prize, on pain of such punishment as a court martial shall adjudge.

Intercourse with enemies and rebels, forbidden.

Art. X. No person in the navy shall give, hold, or entertain any intercourse or intelligence to or with any enemy or rebel, without leave from the President of the United States, the Secretary of the Navy, the commander in chief of the fleet, or the commander of a squadron; or

in case of a vessel acting singly from his commanding officer, on pain of death, or such other punishment as a court martial shall adjudge.

Art. XI. If any letter or message from an enemy or rebel, be conveyed to any officer or private of the navy, and he shall not, within twelve hours, make the same known, having opportunity so to do, to his superior or commanding officer; or if any officer commanding a ship or vessel, being acquainted therewith, shall not, with all convenient speed, reveal the same to the commander in chief of the fleet, commander of a squadron, or other proper officer whose duty it may be to take cognizance thereof, every such offender shall suffer death, or such other punishment as a court martial shall adjudge.

Message from
an enemy to be
communicated.

Art. XII. Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavour to corrupt any person in the navy to betray his trust, shall suffer death, or such other punishment as a court martial shall adjudge.

Mutiny and
sedition.

Art. XIII. If any person in the navy shall make or attempt to make any mutinous assembly, he shall on conviction thereof by a court martial, suffer death; and if any person as aforesaid shall utter any seditious or mutinous words, or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior, being in the execution of his office; or being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial.

Attempt at
mutiny.

Art. XIV. No officer or private in the navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict.

Disobedience
of orders and
assault of a su-
perior officer.

Art. XV. No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge.

Quarreling.

Art. XVI. If any person in the navy shall desert to an enemy or rebel, he shall suffer death.

Desertion.

Art. XVII. If any person in the navy shall desert, or shall entice others to desert, he shall suffer death, or such other punishment as a court martial shall adjudge; and if any officer or other person belonging to the navy, shall receive or entertain any deserter from any other vessel of the navy, knowing him to be such, and shall not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander in chief, or to the commander of the squadron, he shall on conviction thereof, be cashiered, or be punished at the discretion of a court martial. All offences committed by persons belonging to the navy while on shore, shall be punished in the same manner as if they had been committed at sea.

Offences com-
mitted on shore.

Art. XVIII. If any person in the navy shall knowingly make or sign, or shall aid, abet, direct, or procure the making or signing of any false muster, or shall execute, or attempt, or countenance any fraud against the United States, he shall, on conviction, be cashiered and rendered for ever incapable of any future employment in the service of the United States, and shall forfeit all the pay and subsistence due him, and suffer such other punishment as a court martial shall inflict.

Frauds against
the United
States.

Art. XIX. If any officer, or other person in the navy, shall, through intention, (a) negligence, or any other fault, suffer any vessel of the navy to be stranded, or run upon rocks or shoals, or hazarded, he shall suffer such punishment as a court martial shall adjudge.

Improper navi-
gation of ves-
sels.

Art. XX. If any person in the navy shall sleep upon his watch, or negligently perform the duty assigned him, or leave his station before regularly relieved, he shall suffer death, or such punishment as a court

Negligence in
the performance
of duty, &c.

(a) So in original. Perhaps *inattention* is meant.

martial shall adjudge; or, if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged not exceeding twelve lashes.

Murder.

Art. XXI. The crime of murder, when committed by any officer, seaman, or marine, belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may be punished with death by the sentence of a court martial.

Duties in relation to convoy.

Art. XXII. The officers and privates of every ship or vessel, appointed as convoy to merchant or other vessels, shall diligently and faithfully discharge the duties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat any of the officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suffering such further punishment as a court martial shall adjudge.

Penalty on receiving merchandise on board.

Art. XXIII. If any commander or other officer shall receive or permit to be received, on board his vessel, any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods or merchandise of vessels which may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the President of the United States or the navy department, he shall, on conviction thereof, be cashiered, and be incapacitated forever afterwards, for any place or office in the navy.

Waste, embezzlement, &c. of public property.

Art. XXIV. If any person in the navy shall waste, embezzle, or fraudulently buy, sell, or receive any ammunition, provisions, or other public stores; or if any officer or other person shall, knowingly, permit through design, negligence, or inattention, any such waste, embezzlement, sale or receipt, every such person shall forfeit all the pay and subsistence then due him, and suffer such further punishment as a court martial shall direct.

Burning of public property.

Art. XXV. If any person in the navy shall unlawfully set fire to or burn any kind of public property, not then in the possession of an enemy, pirate, or rebel, he shall suffer death: And if any person shall, in any other manner, destroy such property, or shall not use his best exertions to prevent the destruction thereof by others, he shall be punished at the discretion of a court martial.

Theft.

Art. XXVI. Any theft not exceeding twenty dollars may be punished at the discretion of the captain, and above that sum, as a court martial shall direct.

Offences against people on shore.

Art. XXVII. If any person in the navy shall, when on shore, plunder, abuse, or maltreat any inhabitant, or injure his property in any way, he shall suffer such punishment as a court martial shall adjudge.

Detection and apprehension of offenders.

Art. XXVIII. Every person in the navy shall use his utmost exertions to detect, apprehend, and bring to punishment all offenders, and shall at all times, aid and assist all persons appointed for this purpose, on pain of such punishment as a court martial shall adjudge.

Muster rolls and ship's books.

Art. XXIX. Each commanding officer shall, whenever a seaman enters on board, cause an accurate entry to be made in the ship's books, of his name, time, and term of his service; and before sailing transmit to the Secretary of the Navy, a complete list or muster roll of the officers and men under his command, with the date of their entering, time and terms of their service annexed; and shall cause similar lists to be made out on the first day of every second month, to be transmitted to the Secretary of the Navy, as opportunities shall occur; accounting in such lists or muster rolls, for any casualties which may have taken place since the last list or muster roll. He shall cause to be accurately minuted on the ship's books, the names of, and times at which any death or desertion may occur; and in case of death, shall take care that the purser secure all the property of the deceased for the benefit of his legal representative

or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for its preservation. He shall, whenever he orders officers and men to take charge of a prize, and proceed to the United States, and whenever officers or men are sent from his ship from whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, and the period and terms of his service; which account shall be signed by the commanding officer and purser. He shall cause the rules for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean; and if necessary, shall direct that cradles, and buckets with covers, be made for their use: And when his crew is finally paid off, he shall attend in person, or appoint a proper officer, to see that justice be done to the men, and to the United States, in the settlement of the accounts. Any commanding officer, offending herein, shall be punished at the discretion of a court martial.

Art. XXX. No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him otherwise than by suspension or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat-of-nine-tails, nor shall he suffer any wired, or other than a plain cat-of-nine-tails, to be used on board his ship; nor shall any officer who may command by accident, or in the absence of the commanding officer (except such commander be absent for a time by leave) order or inflict any other punishment than confinement, for which he shall account on the return of such absent commanding officer. Nor shall any commanding officer receive on board any petty officers or men turned over from any other vessel to him, unless each of such officers and men produce to him an account signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid and the balance due him, and the quality in which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as aforesaid, rate him in a lower or worse station than that in which he formerly served. Any commanding officer offending herein, shall be punished at the discretion of a court martial.

Art. XXXI. Any master at arms, or other person of whom the duty of master at arms is required, who shall refuse to receive such prisoners as shall be committed to his charge, or having received them, shall suffer them to escape, or dismiss them without orders from proper authority, shall suffer in such prisoners' stead, or be punished otherwise at the discretion of a court martial.

Art. XXXII. All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea.

Art. XXXIII. All officers, not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, are deemed petty officers.

Art. XXXIV. Any person entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the captain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his crew from selling any part of their wages or prize money, and never to attest any power

Inspection of provisions.

Officers and men detached from the ship to be furnished with certain statements.

Rules to be hung up and read.

Treatment of the sick.

Paying off.

Treatment of inferior officers and men.

Master at arms.

Crimes not specified.

Who are petty officers.

Assignment of wages and prize money.

of attorney, until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

Naval General Courts Martial.

Appointment
of naval general
courts martial.

Art. XXXV. General courts martial may be convened as often as the President of the United States, the Secretary of the Navy, or the commander in chief of the fleet, or commander of a squadron, while acting out of the United States, shall deem it necessary: *Provided*, that no general court martial shall consist of more than thirteen, nor less than five members, and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen, and the senior officer shall always preside, the others ranking agreeably to the date of their commissions; and in no case, where it can be avoided without injury to the service, shall more than one half the members, exclusive of the president, be junior to the officer to be tried.

Oath of mem-
bers of general
courts martial.

Art. XXXVI. Each member of the court, before proceeding to trial, shall take the following oath or affirmation, which the judge advocate or person officiating as such, is hereby authorized to administer.

"I, *A. B.* do swear (or affirm) that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not by any means divulge or disclose the sentence of the court, until it shall have been approved by the proper authority, nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, the president is authorized and required to administer the following oath or affirmation to the judge advocate, or person officiating as such.

Oath of the
judge advocate.

"I, *A. B.* do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; nor will I divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Giving of tes-
timony.

Art. XXXVII. All testimony given to a general court martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer, and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion; provided that the imprisonment in no case shall exceed two months: and every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure, or suborn any person to commit such wilful perjury, shall and may be prosecuted by indictment or information in any court of justice of the United States, and shall suffer such penalties as are authorized by the laws of the United States in case of perjury or the subornation thereof. And in every prosecution for perjury or the subornation thereof under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought or intended to be brought before the said court.

Exhibition of
charges.

Art. XXXVIII. All charges, on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest, nor shall any other charge or charges, than those so exhibited, be urged against the person to be

tried before the court, unless it appear to the court that intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismissal from service.

Treatment of an arrested officer.

Art. XXXIX. When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given: and no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness or orders to go on duty from a superior officer, on pain of being cashiered.

Continuance of general courts martial.

Art. XL. Whenever a court martial shall sentence any officer to be suspended, the court shall have power to suspend his pay and emoluments for the whole, or any part of the time of his suspension.

Order of suspension.

Art. XLI. All sentences of courts martial, which shall extend to the loss of life, shall require the concurrence of two thirds of the members present; and no such sentence shall be carried into execution, until confirmed by the President of the United States; or if the trial take place out of the United States, until it be confirmed by the commander of the fleet or squadron: all other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismissal of a commissioned or warrant officer, which are first to be approved by the President of the United States.

How sentences are to be given and confirmed.

A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes.

Art. XLII. The President of the United States, or when the trial takes place out of the United States, the commander of the fleet or squadron, shall possess full power to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court martial.

Pardon and mitigation of punishments.

SEC. 2. Art. I. *And be it further enacted*, That courts of inquiry may be ordered by the President of the United States, the Secretary of the Navy, or the commander of a fleet or squadron, provided such court shall not consist of more than three members who shall be commissioned officers, and a judge advocate, or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt in the same manner as courts martial. But such court shall merely state facts, and not give their opinion, unless expressly required so to do in the order for convening; and the party, whose conduct shall be the subject of inquiry, shall have permission to cross examine all the witnesses.

Courts of inquiry may be ordered.

Art. II. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and judge advocate, and shall, in all cases not capital, or extending to the dismissal of a commissioned or warrant officer, be evidence before a court martial, provided oral testimony cannot be obtained.

Proceedings how authenticated.

Art. III. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation:

"You do swear, (or affirm) well and truly to examine and inquire according to the evidence, into the matter now before you, without partiality or prejudice."

Oaths of the members and judge advocate.

After which, the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation :

“ You do swear (or affirm) truly to record the proceedings of this court, and the evidence to be given in the case in hearing.”

In case of loss of the vessel, the command of the officers shall remain in force.

SEC. 3. *And be it further enacted*, That in all cases, where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost or destroyed, all the command, power, and authority, given to the officers of such ships or vessels, shall remain and be in full force as effectually as if such ship or vessel were not so wrecked, lost, or destroyed, until such ship's company be regularly discharged from, or ordered again into the service, or until a court martial shall be held to inquire into the loss of such ship or vessel; and if by the sentence of such court, or other satisfactory evidence, it shall appear that all or any of the officers and men of such ship's company did their utmost to preserve her, and after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty as aforesaid, shall go on until their discharge or death; and every officer or private who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished at the discretion of a court martial, in the same manner as if such vessel had not been so lost.

Pay of captives to continue.

SEC. 4. *And be it further enacted*, That all the pay and emoluments of such officers and men, of any of the ships or vessels of the United States taken by an enemy, who shall appear by the sentence of a court martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and, after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on and be paid them until their death, exchange, or discharge.

To whom the proceeds of prizes shall accrue.

SEC. 5. *And be it further enacted*, That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.

Distribution of prize money.

SEC. 6. *And be it [further] enacted*, That the prize money, belonging to the officers and men, shall be distributed in the following manner:

I. To the commanding officers of fleets, squadrons, or single ships, three twentieths, of which the commanding officer of the fleet or squadron shall have one twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships, two twentieths; but where the prize is taken by a ship acting independently of such superior officer, the three twentieths shall belong to her commander.

II. To sea lieutenants, captains of marines, and sailing masters, two twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two twentieths and one third of a twentieth, which third, in such case, shall be deducted from the share of the officers mentioned in article No. III. of this section.

III. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and master's mates, two twentieths.

IV. To midshipmen, surgeon's mates, captain's clerks, schoolmasters, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sail-makers, masters at arms, armorers, cockswains, and coopers, three twentieths and an half.

V. To gunner's yeomen, boatswain's yeomen, quartermasters, quarter-gunners, sail-maker's mates, sergeants and corporals of marines, drummers, fifers and extra petty officers, two twentieths and an half.

VI. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven twentieths.

VII. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each ship in sight.

No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving the station where he had the command, have any share in the prizes taken by ships left on such station, after he has gone out of the limits of his said command.

SEC. 7. *And be it further enacted*, That a bounty shall be paid by the United States, of twenty dollars for each person on board any ship of an enemy at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

Bounty given
in certain cases.

SEC. 8. *And be it further enacted*, That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive for life, or during his disability, a pension from the United States according to the nature and degree of his disability, not exceeding one half his monthly pay.

Pensions to
persons dis-
abled in the ser-
vice.

SEC. 9. *And be it [further] enacted*, That all money accruing, or which has already accrued to the United States from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same; and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines, and for such as, though not disabled, may merit by their bravery, or long and faithful services, the gratitude of their country.

Appropriation
of the part of
captured pro-
perty belong-
ing to the United
States.

SEC. 10. *And be it further enacted*, That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous. And it shall be the duty of the said commissioners to lay before Congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

Management
of the navy fund.

SEC. 11. *And be it further enacted*, That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, intituled "An act for the government of the navy of the United States," from and after the first day of June next, shall be, and hereby is repealed.

Repeal of the
former act.

1799, ch. 24.

APPROVED, April 23, 1800.

STATUTE I.

CHAP. XXXIV.—*An Act respecting the Mint.*(a)

April 24, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum

(a) See an act to establish the mint, &c., April 13, 1792, chap. 16, and the note, Vol. i. 246.

Appropriation for the purchase of copper.

Act of May 8, 1792, ch. 39.

equal to the amount of the cents and half cents, which shall have been coined at the mint, and delivered to the treasurer of the United States, subsequent to the third day of March, in the year one thousand seven hundred and ninety-nine, shall be, and the same is hereby appropriated for the purchase of copper for the further coinage of cents and half cents; and that a sum equal to the amount of cents and half cents, which shall be hereafter coined at the mint, and delivered to the treasurer of the United States in any one year, shall be, and the same is hereby appropriated for the annual purchase of copper for the coinage of cents and half cents, which sums shall be payable out of any monies in the treasury not otherwise appropriated.

Part of bullion deposited, to be retained for the expense of refining.

Vol. i. 440.

SEC. 2. *And be it further enacted*, That there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same, and an accurate account of such expense on every such deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the treasurer of the mint, with the treasury of the United States.

APPROVED, April 24, 1800.

STATUTE I.

April 24, 1800.

[Obsolete.]

Act of June 5, 1794, ch. 50.

CHAP. XXXV.—*An Act to continue in force the act in addition to the act for the punishment of certain crimes against the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the fifth day of June, one thousand seven hundred and ninety-four, intituled, "An act in addition to the act for the punishment of certain crimes against the United States," and which by the tenth section thereof was limited to continue in force for and during the term of two years from passing the same, and from thence to the end of the next session of Congress thereafter, and no longer; and which said act was, by an act passed on the second day of March, one thousand seven hundred and ninety-seven, intituled "An act to continue in force for a limited time, the act in addition to the act for the punishment of certain crimes against the United States," further continued in force for two years from the said second day of March, one thousand seven hundred and ninety-seven, and from thence to the end of the next session of Congress thereafter, shall continue and be in force without limitation of time, any thing in any act to the contrary notwithstanding.

APPROVED, April 24, 1800.

STATUTE I.

April 24, 1800.

[Obsolete.]

Vol. i. 426.

CHAP. XXXVI.—*An Act to repeal the act laying Duties on mills and implements employed in the manufacture of Snuff.*

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, intituled "An act to alter and amend the act, intituled 'An act laying certain duties upon snuff and refined sugar,'" passed on the third day of March, one thousand seven hundred and ninety-five, as imposes a duty upon mills and implements employed in the manufacture of snuff, or allows a drawback upon the exportation of snuff manufactured within the United States, shall be, and the same hereby is repealed.

APPROVED, April 24, 1800.

CHAP. XXXVII.—*An Act to make further provision for the removal and accommodation of the Government of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and hereby is authorized and empowered, to direct the various offices belonging to the several executive departments of the United States, to be removed to the city of Washington, at any time that he shall judge proper, after the adjournment of the present session of Congress, and before the time heretofore appointed by law for such removal.

SEC. 2. *And be it further enacted,* That for the purpose of providing furniture for the house erected in the city of Washington, for the accommodation of the President of the United States, a sum not exceeding fifteen thousand dollars be expended, under the direction of the heads of the several departments of state, of the treasury, of war, and of the navy.

SEC. 3. *And be it further enacted,* That for the suitable accommodation of Congress at the city of Washington, the secretaries of the four executive departments, or any three of them, shall be, and hereby are authorized and directed to cause suitable furniture to be forthwith provided for the apartments, which are to be occupied in the capitol at the said city, by the two houses respectively, and for the offices and committee rooms of each; and to cause the said apartments, offices and committee rooms to be furnished in a suitable manner, so as to be ready for the reception of Congress on the day fixed by law for the removal of the government to the said city; and that for defraying the expenses incident to the furnishing of the said apartments, offices, and committee rooms, and to the removal of the books, papers, and records belonging to the said offices respectively, there shall be, and hereby is appropriated a sum not exceeding nine thousand dollars.

SEC. 4. *And be it further enacted,* That for the greater convenience of the members of both houses of Congress in attending their duty in the said city of Washington, and the greater facility of communication between the various departments and offices of the government, there shall be made foot-ways in the said city in suitable places and directions; and that the said foot-ways shall be made by the commissioners of the said city, under the direction of the secretaries of the four executive departments of the United States, who, or any three of whom, shall forthwith take order therefor, and in such manner, at such places, and in such directions as they or any three of them shall judge most proper for the purposes aforesaid, and shall appoint; and that if the said secretaries, or any three of them, shall find on examination, that there is not in the hands of the said commissioners a sum sufficient for making the said foot-ways, over and above what may have been destined by the said commissioners, or may, in the opinion of the said secretaries, or any three of them, be necessary for the accomplishment of other objects necessary for the accommodation of the government, or its removal as aforesaid, then the said secretaries, or any three of them, shall be, and hereby are authorized and required to draw out of the treasury of the United States, and apply to the purpose of making the said foot-ways, any sum which may be necessary therefor, not exceeding ten thousand dollars; which sum is hereby appropriated for the said purpose. And all the lots in the city of Washington, now vested in the said commissioners, or in trustees in any manner for the use of the United States, and now remaining unsold, excepting those set apart for public purposes, shall be, and are hereby declared and made chargeable with the repayment of the said sum of ten thousand dollars, which shall be advanced in pursuance of this act, and the interest accruing thereon.

STATUTE I.

April 24, 1800.

[Obsolete.]
President may direct the removal of the offices, &c.

Act of July 16, 1790, ch. 28.

Providing of furniture for the President's house,

and for the capitol.

Footways to be made.

Purchase of books for the use of Congress.

SEC. 5. *And be it further enacted,* That for the purchase of such books as may be necessary for the use of Congress at the said city of Washington, and for fitting up a suitable apartment for containing them and for placing them therein, the sum of five thousand dollars shall be, and hereby is appropriated; and that the said purchase shall be made by the Secretary of the Senate and the Clerk of the House of Representatives, pursuant to such directions as shall be given, and such catalogue as shall be furnished by a joint committee of both houses of Congress to be appointed for that purpose; and that the said books shall be placed in one suitable apartment in the capitol in the said city, for the use of both houses of Congress and the members thereof, according to such regulations as the committee aforesaid shall devise and establish.

Post 129.

Appropriations how to be paid.

SEC. 6. *And be it further enacted,* That the several appropriations aforesaid shall be paid out of any monies in the treasury of the United States not otherwise appropriated.

APPROVED, April 24, 1800.

STATUTE I.

April 25, 1800.

CHAP. XXXVIII.—*An Act to authorize the President of the United States to accept, for the United States, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.*

The President may issue letters patent releasing the right of the United States to the soil of the Western Reserve.

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 execute and deliver letters patent in the name and behalf of the United States, to the governor of the state of Connecticut for the time being, for the use and benefit of the persons holding and claiming under the state of Connecticut, their heirs and assigns for ever, whereby all the right, title, interest and estate of the United States, to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the state of Pennsylvania, and as the same has been actually settled, ascertained and run in conformity to an agreement between the said state of Pennsylvania and the state of Virginia, and extending from said line westward one hundred and twenty statute miles in length, and in breadth throughout the said limits in length from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said state of Connecticut out of the cession by the said state heretofore made to the United States, and accepted by a resolution of Congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed as aforesaid to the said governor of Connecticut, and his successors in said office, for ever, for the purpose of quieting the grantees and purchasers under said state of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided Connecticut shall cede to the United States certain western lands;

Provided however, That such letters patent shall not be executed and delivered, unless the state of Connecticut shall, within eight months from passing this act, by a legislative act, renounce for ever, for the use and benefit of the United States, and of the several individual states who may be therein concerned respectively, and of all those deriving claims or titles from them or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northward, and southwestward of those counties in the state of Connecticut, which are bounded westwardly by the eastern line of the state of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said state of Connecticut, and of those claiming from or under the said state, to the soil of said tract of

land herein described under the name of the Western Reserve of Connecticut.

And provided also, that the said state of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said state duly authorized by the legislature thereof, execute and deliver to the acceptance of the President of the United States, a deed expressly releasing to the United States the jurisdictional claim of the said state of Connecticut, to the said tract of land herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said state of Connecticut, together with said deed releasing said jurisdiction, in the office of the department of state of the United States, which deed of cession when so deposited shall vest the jurisdiction of said territory in the United States: *Provided*, that neither this act, nor any thing contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the federal court at Trenton, nor to impair the right of Pennsylvania or any other state, or of any person or persons claiming under that or any other state, in any existing dispute concerning the right, either of soil or of jurisdiction, with the state of Connecticut, or with any person or persons claiming under the state of Connecticut: *And provided also*, that nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.

and execute a deed relinquishing her jurisdictional claim to the Western Reserve.

Saving certain constructions.

APPROVED, April 28, 1800.

STATUTE I.

CHAP. XXXIX.—*An Act to provide for rebuilding the Lighthouse at New London; for the support of a Lighthouse at Clark's Point; for the erection and support of a Lighthouse at Wigwam Point, and for other purposes.*

April 29, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That under the direction of the Secretary of the Treasury, there shall be purchased for the use of the United States, so much land contiguous to their territory, now occupied for the lighthouse at New London, as shall be sufficient for vaults and any other purpose, necessary for the better support of the said lighthouse: *Provided*, that the legislature of the state of Connecticut shall cede to the United States the jurisdiction of such additional territory.

Lighthouse at New London.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized, at his discretion, to procure a new lantern with suitable distinctions, and to cause convenient vaults to be erected, and the said lighthouse at New London to be rebuilt.

SEC. 3. *And be it further enacted*, That the lighthouse lately erected at Clark's Point, so called, at the entrance of Accushnet river, within the town of New Bedford, in the state of Massachusetts, shall and may be supported at the expense of the United States: And the Secretary of the Treasury shall and may appoint a keeper thereof, and take further order respecting the same as in other cases: *Provided*, that the property and jurisdiction of the said lighthouse, and sufficient territory for the accommodation thereof, shall be fully ceded and legally vested in the United States.

Lighthouse at Clark's Point.

SEC. 4. *And be it further enacted*, That under the direction of the Secretary of the Treasury, there shall be provided and maintained at the expense of the United States, not exceeding six buoys to be placed within Buzzard's Bay, upon the most dangerous ledges there, in such manner as the safety of navigation in that bay requires.

Buoys to be placed within Buzzard's Bay.

Lighthouse to be erected on Wigwam Point.

Land to be first granted to the U. States.

Appropriations.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on Wigwam Point, so called, within the town of Gloucester, in the state of Massachusetts, where it will best serve the purpose of discovering the entrance of Anesquam harbor, and to appoint a keeper, and otherwise to provide for the support of such lighthouse at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse, together with the jurisdiction thereof, shall be duly and legally granted to and vested in the United States.

SEC. 6. *And be it further enacted*, That there shall be and hereby are appropriated for providing the said buoys, a sum not exceeding three hundred dollars, and for the erection of the said lighthouse at Wigwam Point, a sum not exceeding two thousand dollars, to be paid out of any monies which may be in the treasury of the United States not otherwise appropriated.

APPROVED, April 29, 1800.

STATUTE I.

May 2, 1800.

[Expired.]

Act of April 29, 1802, ch. 35. Compensation to the officers of the Senate and House of Representatives.

Vol. i. 448.

CHAP. XL.—*An Act supplementary to the laws now in force, fixing the Compensations of the officers of the Senate and House of Representatives.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirty-first day of December, one thousand seven hundred and ninety-nine, the officers of the Senate and House of Representatives, herein after mentioned, shall be, and hereby are entitled to receive, in addition to their compensations as now fixed by law, the following sums, that is to say: The Secretary of the Senate, and Clerk of the House of Representatives, two hundred and fifty dollars each, in addition to their salaries as at present established by law; and each of their principal and engrossing clerks, in addition to their per diem allowance as established by law, two hundred dollars per annum.

SEC. 2. *And be it further enacted*, That the serjeant-at-arms of the Senate, who also performs the duty of doorkeeper, the serjeant-at-arms of the House of Representatives, and the doorkeeper of the House of Representatives, shall be and hereby are entitled to receive five hundred dollars per annum each, and two dollars a day during the session; and the assistant doorkeepers of the Senate and House of Representatives four hundred and fifty dollars per annum each, and two dollars per day during the session, in lieu of the compensations heretofore established by law, which compensations shall commence from the commencement of the present session.

SEC. 3. *And be it further enacted*, That this act shall continue in force for and during the term of two years and no longer.

APPROVED, May 2, 1800.

STATUTE I.

May 7, 1800.

Act of Feb. 27, 1809, ch. 19. Boundary and name of the new territory.

CHAP. XLI.—*An act to divide the territory of the United States northwest of the Ohio, into two separate governments.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the fourth day of July next, all that part of the territory of the United States northwest of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to Fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada,

(a) Act of May 1, 1802, chap. 44; act of April 30, 1802, chap. 40.

shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

SEC. 2. *And be it further enacted*, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages granted and secured to the people by the said ordinance.

Form of government and privileges of the inhabitants.

Vol. i. 51.

SEC. 3. *And be it further enacted*, That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States northwest of the river Ohio. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided*, that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the next session of Congress.

Powers, duties, and compensation of the officers.

Commissions may be issued in the recess.

SEC. 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards which they may respectively contain.

Organization of a general assembly.

SEC. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States northwest of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided*, that whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; any thing in this act contained to the contrary notwithstanding.

Construction of this act with respect to the government of the new territory.

Eventual change of the boundary.

SEC. 6. *And be it further enacted*, That until it shall be otherwise ordered by the legislatures of the said territories respectively, Chillicothe, on Scioto river, shall be the seat of the government of the territory of the United States northwest of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory.

Seats of the two governments.

APPROVED, May 7, 1800.

STATUTE I.

May 7, 1800.

[Obsolete.]

President authorized to borrow \$3,500,000.

Vol. i. 194.

CHAP. XLII.—*An Act to enable the President of the United States to borrow money for the public service.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and hereby is authorized to borrow on behalf of the United States, from the Bank of the United States, which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons, and upon such terms and conditions, as he shall judge most advantageous for the United States, a sum not exceeding three millions five hundred thousand dollars, in addition to the monies to be received into the treasury of the United States from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress, and defraying the expenses which may be incurred by calling into actual service any part of the militia of the United States, or by raising, equipping and calling into actual service any regular troops or volunteers, pursuant to authorities vested, or to be vested in the President of the United States by law: *Provided,* that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, at any time after the expiration of fifteen years from the date of such loan.

Appropriation for the payment of interest, and extinguishment of the principal.

SEC. 2. *And be it further enacted,* That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be and hereby is pledged and appropriated for paying the interest of all such monies as may be borrowed pursuant to this act, according to the terms and conditions on which the loan or loans respectively may be effected; and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid. And the faith of the United States shall be, and hereby is pledged to establish sufficient permanent revenues for making up any deficiency, that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid.

Appropriation of the proceeds of the loan.

SEC. 3. *And be it further enacted,* That the sums, to be borrowed pursuant to this act, shall be paid into the treasury of the United States, and there separately accounted for; and that the same shall be, and hereby are appropriated in the manner following:

First, to make up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress: and, secondly, to defray the expenses which may be incurred before the end of the next session of Congress, by calling into actual service any part of the militia of the United States, or by raising, equipping and calling into actual service any regular troops or volunteers, pursuant to authorities vested or to be vested in the President of the United States by law.

APPROVED, May 7, 1800.

STATUTE I.

May 7, 1800.

[Obsolete.]

The Act of July 8, 1797, ch. 15, continued for ten years. Repealed March 3, 1807.

CHAP. XLIII.—*An Act to continue in force "An act laying an additional duty on Salt imported into 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 an act passed on the eighth day of July, one thousand seven hundred and ninety-seven, intitled "An act laying an additional duty on salt imported into the United States, and for other purposes," shall be, and the same is hereby continued in force for and during the term of ten years from the third

day of March, one thousand eight hundred, and from thence to the end of the next session of Congress thereafter and no longer.

APPROVED, May 7, 1800.

STATUTE I.

CHAP. XLV.—*An Act to authorize the sale and conveyance of lands, in certain cases, by the Marshals of the United States, and to confirm former sales.*

May 7, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where the United States shall have obtained judgment in civil actions, brought in those states wherein by the laws and practice of such states lands or other real estate belonging to the debtor are delivered to the creditor in satisfaction of such judgment, and shall have received seisin and possession of lands so delivered, it shall be lawful for the marshal of the district wherein such lands or other real estate are situated, under the directions of the Secretary of the Treasury, to expose the same to sale at public auction, and to execute a grant thereof to the highest bidder, on receiving payment of the full purchase money; which grant, so made, shall vest in such purchaser all the right, estate, and interest of the United States in and to such lands, or other real estate.

Marshals may sell the interest in lands delivered to the United States in satisfaction of judgments, in those states where lands are so delivered.

SEC. 2. *And be it further enacted,* That the sales heretofore made by collectors of certain districts of the United States, of lands or other real estate delivered as aforesaid to the United States, shall be, and they are hereby confirmed: *Provided,* that this confirmation shall not extend to any sale, unless the condition of such sale has been complied with by the purchaser.

Such sales by the collectors, in former cases, confirmed.

Proviso.

SEC. 3. *And be it further enacted,* That whenever a marshal shall sell any lands, tenements, or hereditaments, by virtue of process from a court of the United States, and shall die, or be removed from office, or the term of his commission expire, before a deed shall be executed for the same by him to the purchaser; in every such case the purchaser or plaintiff, at whose suit the sale was made, may apply to the court from which the process issued, and set forth the case, assigning the reason why the title was not perfected by the marshal who sold the same; and thereupon the court may order the marshal for the time being to perfect the title, and execute a deed to the purchaser, he paying the purchase money and costs remaining unpaid; and where a marshal shall take in execution any lands, tenements, or hereditaments, and shall die, or be removed from office, or the term of his commission expire before sale, or other final disposition made of the same; in every such case, the like process shall issue to the succeeding marshal, and the same proceedings shall be had, as if such former marshal had not died or been removed, or the term of his commission had not expired: and the provisions in this section contained shall be, and they are hereby extended to all the cases respectively which may have happened before the passing of this act.

Proceedings to conclude the sale of lands in case of the vacancy of the office of marshal.

Successors of marshals may complete sales.

APPROVED, May 7, 1800.

STATUTE I.

CHAP. XLVI.—*An Act for the regulation of public Arsenals and Magazines.*

May 7, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several officers who now are, or hereafter may be employed in the armories of the United States, shall be entitled to, and shall receive the following compensations, in addition to their pay as established by law, to wit: A superintendent of such armory three rations per day, or an equivalent in money; and a master armorer two rations per day, or an equivalent in money.

Rations to the superintendents and master armorers.

Vol. i. 352.

SEC. 2. *And be it further enacted,* That if any person shall procure, or

Penalty on enticing away, employing, &c. workmen under engagements to the public.

Penalty on workmen being guilty of certain misconduct.

Exemption from military service, and service as jurors.

entice any artificer or workman, retained or employed in any arsenal or armory of the United States, to depart from the same during the continuance of his engagement, or avoid or break his contract with the United States, or who after due notice of the engagement of any such workman or armorer, in any arsenal or armory, shall during the continuance of such engagement, retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, the person so offending shall, upon conviction, be fined at the discretion of the court not exceeding fifty dollars, or be imprisoned for any term not exceeding three months.

SEC. 3. *And be it further enacted*, That if any artificer or workman hired, retained, or employed in any public arsenal or armory, shall wantonly and carelessly, break, impair, or destroy any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States; or shall wilfully and obstinately refuse to perform the services lawfully assigned to him, pursuant to his contract, every such person shall forfeit a sum not exceeding twenty dollars for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

SEC. 4. *And be it further enacted*, That all artificers and workmen, who are or shall be employed in the said armories, shall be, and they are hereby exempted, during their time of service, from all military service, and service as jurors in any court.

APPROVED, May 7, 1800.

STATUTE I.

May 7, 1800.

CHAP. XLVII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred.*

[Obsolete.]
Specific appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the expenditure of the civil list, including the contingent expenses of the several departments and officers; for the compensation of clerks in the several loan offices, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers, and for satisfying certain miscellaneous claims and expenses; the following sums be, and are hereby appropriated, that is to say:

For the compensation granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations granted to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety thousand one hundred and seventy-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, including the sum stipulated to be paid in pursuance of a resolution of March second, one thousand seven hundred and ninety-nine, for supplying both Houses with the journals of Congress, twenty-one thousand six hundred and sixty-four dollars and forty cents.

For the compensations granted by law to the chief justice, associate judges, district judges, and attorney-general, forty-five thousand five hundred dollars.

For the compensations granted by law to the district attorneys, and for defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures, and penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, thirty-three thousand four hundred dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand one hundred and eighty-nine dollars and eighty-one cents. Specific appropriations.

For expenses of stationery, printing, translating of foreign languages, allowance to persons employed in receiving and transmitting passports and sea-letters in the office of the Secretary of the Treasury, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventeen dollars and eight cents.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, twelve thousand one hundred and sixty dollars and ninety-three cents.

For expense of stationery, printing, and all other contingent expenses in the office of the Auditor, seven hundred and fifty dollars.

For compensation to the Treasurer, clerks and persons employed in his office, five thousand nine hundred and seventeen dollars and forty-five cents.

For expenses of firewood, stationery, printing, rent, and all other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, six thousand one hundred and ninety-three dollars and six cents.

For expense of stationery, printing, and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, sixteen thousand three hundred and forty-two dollars and one cent.

For expense of stationery, printing, and all other contingent expenses in the Register's office, (including books for the public stocks and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the Purveyor of public supplies, clerks and persons employed in his office, two thousand eight hundred and fifty dollars.

For firewood, stationery, office and store rent for the Purveyor, nine hundred and sixteen dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For the payment of rent for the several houses employed in the Treasury department, (except the Treasurer's office) two thousand seven hundred and thirty dollars and sixty-six cents.

For the expense of firewood and candles in the several offices of the Treasury department, (except the Treasurer's office) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand eight hundred, (including an increase of two hundred dollars in consequence of an extension of the revenue and expenditures) one thousand two hundred dollars.

For defraying the expense incident to the removal of the books and records of the Treasury department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the several officers, clerks and messengers in each office, five thousand dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For the expense incident to the removal of the loan office of Pennsylvania from Philadelphia, during part of the summer of the year one

Specific ap-
propriations.

thousand seven hundred and ninety-nine, including the extra expenses of the clerks, in the said office, three hundred and six dollars.

For compensation to the clerks to the Commissioners of Loans, and an allowance to certain loan officers in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, fifteen thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred dollars.

For the incidental and contingent expenses in the said department, thirteen thousand dollars.

For the expenses incident to the removal of the Department of State from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Secretary for the department, the clerks and messengers therein, five hundred and eight dollars and sixty cents.

For compensation to the following officers of the Mint :

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars, and two at five hundred dollars each, one thousand seven hundred dollars.

For the wages of persons employed at the different branches of melting, refining, coining, carpenters, millwrights, and smiths' work, including the sum of eight hundred dollars per annum allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, seven thousand dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies of the establishment of the mint, six thousand three hundred dollars.

For compensation to the Secretary at War, clerks and persons employed in his office, eleven thousand one hundred and ninety dollars.

For expenses of firewood, stationery, printing, rent, and other contingent expenses in the office of the Secretary at War, two thousand dollars.

For compensation to the accountant of the War department, clerks and persons employed in his office, ten thousand eight hundred and fifty dollars.

For contingent expenses in the office of the accountant of the War department, one thousand dollars.

For the expense incident to the removal of the War department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Secretary for the department, the accountant, the Paymaster-General, the Quartermaster-General, the keeper of military stores, clerks and messengers in each office, four thousand four hundred and twenty-six dollars and fifty-six cents.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, including deficiencies in former appropriations for clerk hire, nine thousand one hundred and fifty-two dollars and twenty-five cents.

For the expense of firewood, stationery, printing, rent, and other contingencies in the office of the Secretary of the Navy, three thousand three hundred dollars.

For compensation to the accountant of the Navy, clerks and persons employed in his office, nine thousand two hundred and fifty dollars.

For contingent expenses in the office of the accountant of the Navy, seven hundred and fifty dollars.

For expense of removing the department of the Navy from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Secretary for the department, the accountant, clerks and messengers in each office, one thousand two hundred and fifty-four dollars and fifty-nine cents.

Specific ap-
propriations.

For compensation to the Surveyor-General, two thousand dollars.

For compensation to the assistant surveyors, chain carriers, axe men and other persons employed, stationery and other contingent expenses in the Surveyor-General's department, (in addition to former appropriations) two thousand dollars.

For compensation to the governor, judges, and secretary of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, printing patents for land, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks, and persons employed in the Postmaster-General's office, nine thousand three hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses in the office of the Postmaster-General, and for the expense incident to the removal of the general post-office from Philadelphia to Trenton during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Postmaster-General, his assistant, and clerks; with expenses incurred by the postmaster at Philadelphia, by a removal of his office to a more healthy part of the city, and of his increased expenses in attending to the duties of his office in the years one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine, four thousand and eighty-one dollars and forty-nine cents.

For the discharge of such miscellaneous demands against the United States on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature according to the usage thereof to require payment in specie, two thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred fifty-three dollars and thirty-three cents.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and for occasional improvement in the construction of lanterns and lamps, and materials used therein, and to make good deficiencies in former appropriations occasioned by the increased number of lighthouses, thirty-nine thousand three hundred and ninety-two dollars and three cents.

For repairing Charleston lighthouse, five thousand nine hundred and fifty dollars.

For erecting a lighthouse on Old Point Comfort (in addition to former appropriations) one thousand five hundred dollars.

For rebuilding, altering, and improving the lighthouse at New London, fifteen thousand seven hundred dollars.

For the payment of contracts entered into for building of a lighthouse on Cape Hatteras, and a beacon on Shell Castle island, (the balance of former appropriations being carried to the credit of the surplus fund) thirty-five thousand six hundred and ninety-eight dollars.

Specific ap-
propriations.

Vol. i. 562.

For the payment of balances which may be found due to individuals, in consequence of settlements at the treasury, pursuant to the act of Congress passed on the twelfth day of June, one thousand seven hundred and ninety-eight, intitled "An act respecting loan-office and final settlement certificates," &c. twenty-five thousand dollars.

For defraying the expenses of printing, with devices, the subscription certificates, and issuing the same to the subscribers to the loan of five millions of dollars, cost of paper; also, the incidental expenses of said loan in its operation at the Bank of the United States; and likewise for printing certificates of the eight per cent. stock for the treasury, and the several loan offices, including the cost of paper, and other incidental expenses of funding this stock, five thousand dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature according to the usage thereof, to require payment in specie, four thousand dollars.

For the expenses of intercourse with foreign nations during the present year, in addition to the sum of forty thousand dollars appropriated by law for that purpose, the sum of fifty-two thousand dollars.

Vol. i. 523.

For further expenses in carrying into effect the sixth article of the treaty of amity, commerce and navigation between the United States and Great Britain, including the expenses authorized by the act intitled, "An act directing the appointment of agents in relation to the sixth article of the treaty of amity, commerce and navigation between the United States and Great Britain," fifty-two thousand five hundred and fifty-six dollars.

For the salaries of the commissioners under the seventh article of the said treaty, including the contingent expenses, sixteen thousand four hundred and forty-four dollars.

For the salaries, clerk hire, office rent, and other contingencies of the two agents residing in England on business relative to the said seventh article, nine thousand dollars.

For further expenses in carrying into effect the treaty of amity, navigation, and limits, between the United States and Spain, twenty thousand dollars.

For the difference between the cost of the stipulated articles in the annuity to the Dey and Regency of Algiers, and the permanent appropriation therefor, fifty-six thousand dollars.

For defraying the expenses incident to the valuation of lands and houses, and enumeration of slaves, within the United States, as directed by the act of July the ninth, one thousand seven hundred and ninety-eight, in addition to the sum appropriated by that act, two hundred and fifteen thousand dollars.

How these ap-
propriations
shall be paid.

Vol. i. 138.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the fund of six hundred thousand dollars reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury not otherwise appropriated.

APPROVED, May 7, 1800.

STATUTE I.

May 10, 1800.

[Obsolete.]

Specific ap-
propriations.

CHAP. XLVIII.—*An Act making appropriations for the Military Establishment of the United States, in the year one thousand eight hundred.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for defraying the expenses of the military establishment of the United States, for the year one thousand eight hundred, the pay and subsistence of the

officers and men, bounties and premiums, the clothing, hospital, ordnance, quartermaster's and Indian departments, the defensive protection of the frontiers, the contingent expenses of the war department, for the fabrication of cannon and arms, and purchase of ammunition, and for the payment of military pensions, the sum of three millions, forty-two thousand five hundred and seventy-six dollars and thirty-five cents be, and is hereby appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, one million eighteen thousand six hundred and twenty dollars.

For the subsistence of the army, seven hundred and eighty-seven thousand seven hundred and eighty-six dollars and thirty-five cents.

For forage, the sum of thirty-six thousand six hundred and seventy-two dollars.

For horses to replace those which may die, or become unfit for service, the sum of five thousand dollars.

For clothing, the sum of two hundred and fifty-seven thousand nine hundred and fifty-five dollars.

For bounties and premiums, the sum of fourteen thousand dollars.

For the hospital department, the sum of fifty-one thousand dollars.

For the ordnance department, the sum of one hundred and thirteen thousand five hundred and twenty-two dollars.

For the quartermaster's department, the sum of five hundred and twenty-eight thousand and sixty-five dollars.

For paying annuities to the following nations of Indians, in pursuance of treaties: To the Six Nations, Cherokees, Chickasaws and Creeks, the sum of fifteen thousand dollars.

For promoting civilization among the Indian tribes, and pay of temporary agents, the sum of fifteen thousand dollars.

For expense attending the running of the line of demarkation between the Indian territory of the United States, including the pay of commissioners, surveyors and assistants, the sum of four thousand dollars.

For the defensive protection of the frontiers of the United States, including the erection and repairs of forts and fortifications, the sum of sixty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes; advertising and apprehending deserters, printing, purchasing maps, and other contingencies, the sum of forty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions from the fifth of March one thousand eight hundred, to the fourth of March one thousand eight hundred and one, the sum of ninety-three thousand dollars.

SEC. 2. *And be it further enacted*, That for the fabrication of cannon and arms, and the purchase of ammunition for the army and navy, and for the militia of the United States, in addition to the sums unexpended of the appropriations made by the acts of Congress of the fourth of May and first of July seventeen hundred and ninety-eight, the sum of two hundred and sixty thousand dollars shall be, and hereby is appropriated.

1798, ch. 38.

1798, ch. 65.

SEC. 3. *And be it further enacted*, That the foregoing appropriations shall be paid out of any monies in the treasury of the United States not otherwise appropriated.

How these appropriations shall be paid.

APPROVED, May 10, 1800.

STATUTE I.

May 10, 1800.

Act of March
2, 1799, ch. 22.
District of Ken-
nebunk.

Certain ves-
sels may unlade
at Edgcomb
and Newcastle.

Lyme annex-
ed to New Lon-
don.

Alteration of
the district of
Bermuda Hun-
dred and City
Point.

New district
formed.

March 2, 1799,
ch. 22, sec. 11.

Manifests to
be delivered to
the collector of
Norfolk, by ves-
sels bound up
James river,
&c.

CHAP. XLIX.—*An Act to establish the district of Kennebunk, and to annex Lyme to New London; and to alter the district of Bermuda Hundred and City Point; and therein to amend the act intituled "An act to regulate the collection of duties on imports and tonnage."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of June next, the towns of Wells and Arundel, in the state of Massachusetts, and all the shores and waters thereof, shall be a district, to be called the district of Kennebunk, of which the port of Kennebunk shall be the sole port of entry; and the ports of Wells and Cape Porpoise shall be ports of delivery only, and a collector for the district shall be appointed to reside at Kennebunk.

SEC. 2. *And be it further enacted,* That ships and vessels owned in whole or in part in the towns of Edgcomb and Newcastle, in the district of Maine, having entered in due form of law at the port of Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of the said towns which adjoin Sheepscut river.

SEC. 3. *And be it further enacted,* That from and after the thirtieth day of June next, the town of Lyme, in the state of Connecticut, and the shores and waters thereof, shall be annexed as a port of delivery only to the district of New London, and all vessels bound to or from the said port of Lyme, shall first come to, enter, and clear at the said port of New London: *Provided however,* that the surveyor appointed to reside at Saybrook shall be authorized to visit and inspect ships or vessels arriving at said port of Lyme, and generally to perform the duties of a surveyor, as may be requisite within said port.

SEC. 4. *And be it further enacted,* That from and after the thirtieth day of June next, the district of Bermuda Hundred and City Point as at present constituted, in the state of Virginia, shall be called the district of Petersburg, to comprehend Petersburg, City Point, and all the waters, shores, bays, harbors, and inlets of James river, from Hood's and the junction of Chicahoming to the junction of the James and Appamattox rivers, and from thence to the highest tide-water of Appamattox, and also the Chicahoming to its highest tide-water mark; and the port for the said district shall extend from Petersburg to City Point. And another district shall be formed to be called the district of Richmond, to comprehend Richmond, and Manchester, and Bermuda Hundred, and all the waters, shores, bays, harbors, and inlets of James river from Bermuda Hundred, including the harbor thereof, to the highest tide-water of James river; and the port shall extend from Richmond and Manchester to Bermuda Hundred. The office of collector for the district of Petersburg shall be kept in the town of Petersburg; and a collector shall be appointed for the Richmond district, whose office shall be kept in the city of Richmond; and the surveyors within those two districts shall continue to reside at the places at present established by law.

SEC. 5. *And be it further enacted,* That the master of any ship or vessel, bound to any district of James river above Sewal's Point, shall, before he pass by the said Point, and immediately after his arrival either at the same or at Hampton Road, deposit with the collector of the port of Norfolk and Portsmouth, or of Hampton, a true manifest of the cargo on board such ship or vessel; and the said collector shall, after registering the manifest, transmit the same duly certified to have been so deposited, to the officer with whom the entries are to be made: and the said collector may, whenever he shall judge it to be necessary for the security of the revenue, put an inspector of the customs on board any such ship or vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district, to which such ship or vessel may be destined. And if the master or commander of any such ship or vessel

shall neglect or omit to deposit a manifest in manner as aforesaid, or shall refuse to receive an inspector of the customs on board, as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound.

SEC. 6. *And be it further enacted*, That such part and so much of the act, intituled "An act to regulate the collection of duties on imports and tonnage," as comes within the purview of this act, being contrary hereto, shall be and hereby is repealed.

Repeal of part of the former act.
Vol. i. 627.

APPROVED, May 10, 1800.

STATUTE I.

May 10, 1800.

Vol. i. 549.

CHAP. L.—*An Act supplemental to the act intituled "An act for an amicable settlement of limits with the State of Georgia; and authorizing the establishment of a Government in the Mississippi territory."*

Organization of a general assembly in the Mississippi territory.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven, and of the act of Congress of the seventh of August, one thousand seven hundred and eighty-nine, providing for the government of the territory of the United States northwest of the river Ohio, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall forthwith operate, and be in force in the Mississippi territory: *Provided*, that until the number of free male inhabitants of full age, in the said territory, shall amount to five thousand, there shall not be returned to the general assembly more than nine representatives.

SEC. 2. *And be it further enacted*, That until the number of free male inhabitants of full age in the Mississippi territory shall amount to five thousand, the county of Adams shall be entitled to choose four representatives to the general assembly, the county of Pickering four, and the Tensaw and Tombigbee settlements, one.

Representatives to the general assembly.

SEC. 3. *And be it further enacted*, That the first election, for representatives to the general assembly, shall be on the fourth Monday in July next, and that all subsequent elections shall be regulated by the legislature.

First election.

SEC. 4. *And be it further enacted*, That it shall be the duty of the governor of the Mississippi territory, to cause the said election to be holden on the day aforesaid, at the most convenient place in the counties and settlements aforesaid, and to nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected.

Election to be holden at the most convenient place.

SEC. 5. *And be it further enacted*, That the representatives shall be convened by the governor at the town of Natchez, on the fourth Monday in September next.

Assembly to meet at Natchez.

SEC. 6. *And be it further enacted*, That so soon as the number of free male inhabitants of full age shall amount to, or exceed five thousand, the number of representatives to the general assembly shall be determined, and the apportionment made in the way prescribed in the ordinance.

Number of Representatives after census. 1808, ch. 9.

SEC. 7. *And be it further enacted*, That nothing in this act shall in any respect impair the right of the state of Georgia to the jurisdiction, or of the said state, or of any person or persons to the soil of the said territory, but the rights and claims of the said state, and all persons interested, are hereby declared to be as firm and available as if this act had never been made.

Saving of the rights of Georgia, and of all persons.

Vol. i. 549.

Time of meeting of the general assembly.

SEC. 8. *And be it further enacted*, That the general assembly shall meet at least once in every year, and such meeting shall be on the first Monday of December, unless they shall by law appoint a different day: *Provided*, that the governor shall have power on extraordinary occasions to convene the general assembly.

Adjournment thereof.

SEC. 9. *And be it further enacted*, That neither house during the session of the general assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

The commissioners of the United States may finally settle with Georgia by compromise.

April 7, 1798, ch. 28.

SEC. 10. *And be it further enacted*, That it shall be lawful for the commissioners appointed, or who may hereafter be appointed on the part of the United States, in pursuance of the act, intituled "An act for an amicable settlement of limits with the state of Georgia; and authorizing the establishment of a government in the Mississippi territory," or any two of them, finally to settle by compromise with the commissioners, which have been or may be appointed by the state of Georgia, any claims mentioned in said act, and to receive in behalf of the United States a cession of any lands therein mentioned, or of the jurisdiction thereof, on such terms as to them shall appear reasonable: and also, that the said commissioners on the part of the United States, or any two of them, be authorized to inquire into the claims which are or shall be made by settlers or any other persons whatsoever, to any part of the aforesaid lands, and to receive from such settlers and claimants any propositions of compromise which may be made by them, and lay a full statement of the claims and the propositions which may be made to them by the settlers or claimants to any part of the said lands, together with their opinion thereon, before Congress, for their decision thereon, as soon as may be: *Provided*, that the settlement shall be made and completed before the fourth day of March, one thousand eight hundred and three: *And provided also*, that the said commissioners shall not contract for the payment of any money from the treasury of the United States to the state of Georgia, other than the proceeds of the same lands.

They may inquire into the claims of individuals.

Provisoos.

APPROVED, May 10, 1800.

STATUTE I.

May 10, 1800.

Act of Feb. 28, 1803, ch. 10.
Act of March 2, 1807, ch. 22.

Penalty on citizens having an interest in vessels employed in the slave trade.

CHAP. LI.—*An Act in addition to the act intituled "An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country."*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any right or property, belonging as aforesaid, shall be forfeited, and may be libelled and condemned for the use of the person who shall sue for the same; and such person, transgressing the prohibition aforesaid, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel, which he held as aforesaid; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves, which at any time may have been transported or carried in such vessel, after the passing of this act, and against the form thereof.

Penalty on citizens serving in such vessels.

SEC. 2. *And be it further enacted*, That it shall be unlawful for any citizen of the United States or other person residing therein, to serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another; and any such citizen or other person, voluntarily

(a) See act of March 22, 1794, chap. 11, and notes, Vol. i. 347.

serving as aforesaid, shall be liable to be indicted therefor, and on conviction thereof shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

SEC. 3. *And be it further enacted*, That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable to and suffer the like forfeitures, pains, disabilities and penalties as he would have incurred, had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

SEC. 4. *And be it further enacted*, That it shall be lawful for any of the commissioned vessels of the United States, to seize and take any vessels employed in carrying on trade, business or traffic, contrary to the true intent and meaning of this or the said act to which this is in addition; and such vessel, together with her tackle, apparel and guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited, and may be proceeded against in any of the district or circuit courts, and shall be condemned for the use of the officers and crew of the vessel making the seizure, and be divided in the proportion directed in the case of prize: and all persons interested in such vessel, or in the enterprise or voyage in which such vessel shall be employed at the time of such capture, shall be precluded from all right or claim to the slaves found on board such vessel as aforesaid, and from all damages or retribution on account thereof: and it shall moreover be the duty of the commanders of such commissioned vessels, to apprehend and take into custody every person found on board of such vessel so seized and taken, being of the officers or crew thereof, and him or them convey as soon as conveniently may be, to the civil authority of the United States in some one of the districts thereof, to be proceeded against in due course of law.

SEC. 5. *And be it further enacted*, That the district and circuit courts of the United States shall have cognizance of all acts and offences against the prohibitions herein contained.

SEC. 6. *Provided nevertheless, and be it further enacted*, That nothing in this act contained shall be construed to authorize the bringing into either of the United States, any person or persons, the importation of whom is, by the existing laws of such state, prohibited.

SEC. 7. *And be it further enacted*, That the forfeitures which shall hereafter be incurred under this, or the said act to which this is in addition, not otherwise disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

APPROVED, May 10, 1800.

Commissioned vessels authorized to seize vessels contravening this or the former act.

District and circuit court to have jurisdiction of offences.

Construction of the act.

Distribution of penalties.

STATUTE I.

CHAP. LIII.—*An Act to provide for equalizing the valuations of unseated lands.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioners appointed under the act, intituled "An act to provide for the valuation of lands and dwelling-houses and the enumeration of slaves within the United States," in those states the valuations and enumerations whereof are not yet closed and returned to the treasury department, shall be, and hereby are authorized and empowered on examination and consideration, at some general meeting to be convened pursuant to law, of the lists, returns, valuations and abstracts rendered to them by the assessors within their respective states, to revise the valuations of unseated lands in each and every assessment district of their respective

May 10, 1800.

[Obsolete.]

Act of July 9, 1798, ch. 70. Commissioners under the Act of July 9, 1798, ch. 70, to adjust the valuation of unseated lands.

states, and in each and every subdivision of such districts respectively, and to vary and adjust the said valuations by adding thereto, or deducting therefrom such rate per centum as to them shall appear just and reasonable: *Provided always*, that the relative valuations of different tracts of unseated land in the same subdivision shall not be changed or affected.

Commissioners may direct deductions.

SEC. 2. *And be it further enacted*, That the said commissioners may direct the deductions and additions aforesaid to be made out and completed by the principal assessors of the aforesaid assessment districts respectively, or, if they shall deem it more proper, by their own clerk, and by such assistants as they shall find necessary and appoint for that purpose: *Provided always*, that the compensation to be made to the said assistants shall not exceed the pay allowed to the assistant assessors by the act aforesaid.

Compensation.

APPROVED, May 10, 1800.

STATUTE I.

May 10, 1800.

Act of March 2, 1799, ch. 23.
Allowance to certain collectors.

CHAP. LIV.—*An Act supplementary to an act, intituled "An Act to establish the compensation of the officers employed in the collection of the duties on impost and tonnage."*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of June next, there shall be allowed and paid annually, to and for the use of the several collectors and surveyors appointed, and to be appointed pursuant to law, and employed in the collection of the duties of imports and tonnage, in the districts herein after mentioned, in addition to their fees and emoluments otherwise allowed by law, the sums following respectively, that is to say:—To the collectors of Passamaquoddy, Waldoborough, and St. Mary's, two hundred and fifty dollars each; to the collectors of Machias, Great Egg Harbor, Little Egg Harbor, Perth Amboy, Bridgetown, Sunbury, and Georgetown in Maryland, one hundred dollars each; and to the collectors of Sagg Harbor, Brunswick, in Georgia, and Dumfries, fifty dollars each; to the surveyor of Bermuda Hundred, one hundred and fifty dollars; and to the surveyors of Newport, Providence, Port Royal, Alexandria, and Saybrook, one hundred dollars each.

Commissions to certain collectors.

SEC. 2. *And be it further enacted*, That in lieu of the commissions heretofore allowed by law, there shall, from and after the thirtieth day of June next, be allowed to the collectors for the districts of Alexandria, Petersburg, and Richmond respectively, two and an half per centum, on all monies which shall be collected and received by them; to the collector for the district of Boston and Charlestown, and to the collectors of Baltimore and Philadelphia, three eighths of one per centum; to the collectors of Charleston, South Carolina, Salem and Norfolk and Portsmouth, three quarters of one per centum; to the collector of the district of Portland, one per centum, for and on account of the duties arising on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels.

Certain collectors to deposit bonds in bank for collection.

SEC. 3. *And be it further enacted*, That it shall be the duty of the collectors of the several districts of Philadelphia, New York, Boston, Baltimore, Norfolk and Charleston, and they are hereby respectively directed to deposit for collection in the Bank of the United States, or at an office of discount and deposit of the said bank, all the bonds taken, or to be taken by them, for duties by virtue of any law of the United States; but on all money collected by the said banks the commissions aforesaid are to be allowed the said collectors in like manner as if received by them.

APPROVED, May 10, 1800.

(a) Act of March 2, 1799, chap. 23.

STATUTE I.

May 10, 1800.

CHAP. LV.—*An Act to amend the act intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river."*(a)

Act of May 18, 1796, ch. 29.

Act of April 18, 1818, ch. 70.

Act of March 30, 1820, ch. 26.

Four land offices established under the direction of Registers.

1803, ch. 30.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the disposal of the lands of the United States, directed to be sold by the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river," there shall be four land offices established in the said territory: one at Cincinnati, for lands below the Little Miami, which have not heretofore been granted; one at Chilicothe, for lands east of the Scioto, south of the lands appropriated for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta, for the lands east of the sixteenth range of townships, south of the before mentioned military lands, and south of a line drawn due west from the northwest corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands. Each of the said offices shall be under the direction of an officer, to be called "The Register of the Land Office," who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land office is directed to be kept.

SEC. 2. *And be it further enacted,* That it shall be the duty of the surveyor-general, and he is hereby expressly enjoined, to prepare and transmit to the registers of the several land offices, before the days herein appointed for commencing sales, general plats of the lands hereby directed to be sold at the said offices respectively, and also to forward copies of each of the said plats to the Secretary of the Treasury.

Surveyor-General to transmit certain plats.

SEC. 3. *And be it further enacted,* That the surveyor-general shall cause the townships west of the Muskingum, which by the above-mentioned act are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes and descriptions, prescribed to surveyors by the above-mentioned act: And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually subdivided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each. And in all cases where the exterior lines of the townships, thus to be subdivided into sections or half sections, shall exceed or shall not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the

He shall cause certain lines to be run and marked.

(a) Act of May 18, 1806, chap. 29; act of April 18, 1818, chap. 70; act of March 3, 1819, chap. 72; act of March 30, 1820, chap. 26; act of April 24, 1820, chap. 49; act of March 2, 1821, chap. 11; act of March 1, 1823, chap. 38; act of May 20, 1826, chap. 138.

complete legal quantity. And the President of the United States shall fix the compensation of the deputy surveyors, chain carriers, and axemen: *Provided*, the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed and marked.

Certain lands
to be sold.

SEC. 4. *And be it further enacted*, That the lands thus subdivided (excluding the sections reserved by the above-mentioned act) shall be offered for sale in sections and half sections, subdivided as before directed at the following places and times, that is to say: Those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April one thousand eight hundred and one, under the direction of the register of the land office there established, and of either the governor or secretary of the northwestern territory. The lands east of Scioto, south of the military lands, and west of the fifteenth range of townships, shall be offered in like manner for sale at Chillicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the register of the land office there established, and of either the governor or secretary of the said territory. The lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale in like manner at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the governor or secretary, or surveyor-general of the said territory. The sales shall remain open at each place for three weeks, and no longer. The superintendents shall observe the rules and regulations of the above-mentioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands, remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the registers of these respective land offices, in the manner herein after prescribed; and the register of the land office at Steubenville, after the first day of July next, may proceed to sell, at private sale, the lands situate within the district assigned to his direction as herein before described, disposing of the same in sections, and classing fractional with entire sections, according to the provisions and regulations of the above-mentioned act and of this act: And the register of the land office at Marietta, after the said first day of July next, may proceed to sell at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections as aforesaid.

Limitation of
the price, and
mode of pur-
chase and pay-
ment.

1797, ch. 14.

Fees to be
paid.

One fourth of
the purchase
money to be
paid.

SEC. 5. *And be it further enacted*, That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States, at the rates prescribed by the act, intituled, "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States;" and shall be made in the following manner, and under the following conditions, to wit:

1. At the time of purchase, every purchaser shall, exclusively of the fees hereafter mentioned, pay six dollars for every section, and three dollars for every half section, he may have purchased, for surveying expenses, and deposit one twentieth part of the amount of purchase money, to be forfeited, if within forty days one fourth part of the purchase money, including the said twentieth part, is not paid.

2. One fourth part of the purchase money shall be paid within forty days after the day of sale as aforesaid; another fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale.

3. Interest, at the rate of six per cent. a year from the day of sale

shall be charged upon each of the three last payments, payable as they respectively become due.

4. A discount at the rate of eight per cent. a year, shall be allowed on any of the three last payments, which shall be paid before the same shall become due, reckoning this discount always upon the sum, which would have been demandable by the United States, on the day appointed for such payment.

5. If the first payment of one fourth part of the purchase money shall not be made within forty days after the sale, the deposit, payment and fees, paid and made by the purchaser, shall be forfeited, and the lands shall and may, from and after the day, when the payment of one fourth part of the purchase money should have been made, be disposed of at private sale, on the same terms and conditions, and in the same manner as the other lands directed by this act to be disposed of at private sale: *Provided*, that the lands which shall have been sold at public sale, and which shall, on account of such failure of payment, revert to the United States, shall not be sold at private sale, for a price less than the price that shall have been offered for the same at public sale.

6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the register of the land office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale. And he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All monies paid therefor shall be forfeited, and the register of the land office may proceed to dispose of the same to any purchaser, as in case of other lands at private sale.

SEC. 6. *And be it further enacted*, That all and every the payments, to be made by virtue of the preceding section, shall be made either to the treasurer of the United States, or to such person or officer as shall be appointed by the President of the United States, with the advice and consent of the Senate, receiver of public monies for lands of the United States, at each of the places respectively where the public and private sales of the said lands are to be made; and the said receiver of public monies shall, before he enters upon the duties of his office, give bond with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said treasurer and receiver of public monies to give receipts for the monies by them received, to the persons respectively paying the same; to transmit within thirty days in case of public sale, and quarterly, in case of private sale, an account of all the public monies by them received, specifying the amount received from each person, and distinguishing the sums received for surveying expenses, and those received for purchase money, to the Secretary of the Treasury, and to the registers of the land office, as the case may be. The said receivers of public monies shall, within three months after receiving the same, transmit the monies by them received to the treasurer of the United States; and the receivers of public monies for the said sales, and also the receivers of public monies for the sales which have taken place at Pittsburg under the act, intituled "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe keeping, and transmitting it to the treasury of the United States.

SEC. 7. *And be it further enacted*, That it shall be the duty of the

Grade of purchase.

A discount allowed for payment before due.

If one fourth part is not paid the land may be sold at private sale.

If a tract is not paid for in one year, to be resold.

Act of April 15, 1806.

Payments to be made to the Treasurer or receivers of public monies.

Duty of receivers of public monies.

Act of May 18, 1796.

Their compensation.

Duty of the
Registers of the
land offices.

registers of the land offices respectively, to receive and enter on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter mentioned, and produce a receipt from the treasurer of the United States, or from the receiver of public monies appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one twentieth part of the purchase money, stating carefully in each entry the date of the application, the date of the receipt to him produced, the amount of monies specified in the said receipt, and the number of the section or half section, township and range applied for. If two or more persons shall apply at the same time for the same tract, the register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for monies produced by the party, and give him a copy of his entry, and if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract, whether the same has already been entered, purchased, or paid for, and at his request to give him a copy of the entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have, within that time, produced to him a receipt of the payment of one fourth part of the purchase money, including the twentieth part above mentioned, enter under its proper date, in the said book of entries, that the payment has not been made, and that the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and that if it shall be duly discharged, the purchaser or his assignee or other legal representative, shall be entitled to a patent for the said lands; he shall also, upon any subsequent payment being made, and a receipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold either at public or private sale, and in which he shall charge the party for the whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing to the Secretary of the Treasury, the same final certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns; and all patents shall be countersigned by the Secretary of State, and recorded in his office.

Patents to be
issued.

Registers to
note the sales
upon the sur-
veys, &c.

Sec. 8. *And be it further enacted*, That the registers of the land offices respectively, shall also note on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall

revert to the United States, on failure of the payment of one fourth part of the purchase money within three months after the date of application. And the said book of surveys or original plat shall be open at all times, in presence of the register, for the inspection of any individual, applying for the same and paying the proper fee.

SEC. 9. *And be it further enacted*, That it shall be the duty of the registers of the land offices to transmit quarterly to the Secretary of the Treasury, and to the surveyor-general, an account of the several tracts applied for, of the several tracts for which the payment of one fourth part of the purchase money has been made, of the several tracts which have reverted to the United States on failure of the said payment; and also an account of all the payments of monies by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid.

Registers to make certain quarterly returns.

SEC. 10. *And be it further enacted*, That the registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other person in trust for them; and if any register shall wish to purchase any tract of land, he may do it by application in writing to the surveyor-general, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the same manner which the registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract shall bear date from the day, when their application for the same shall have been entered by the surveyor-general in his own book. And if any person applying for any tract shall, notwithstanding he shall have received information from the register, that the same has already been applied for by the said register, or by any other person, insist to make the application, it shall be the duty of the register to enter the same, noting in the margin that the same tract is already purchased, but upon application of the party made in writing, and which he shall file, he may and shall at any future time enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: *Provided always*, that the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

Mode of making purchases by registers.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury shall and may prescribe such further regulations, in the manner of keeping books and accounts, by the several officers in this act mentioned, as to him may appear necessary and proper, in order fully to carry into effect the provisions of this act.

Secretary of the Treasury may prescribe further regulations.

SEC. 12. *And be it further enacted*, That the registers of the land offices, respectively, shall be entitled to receive from the treasury of the United States, one half per cent. on all the monies expressed in the receipts by them filed and entered, and of which they shall have transmitted an account to the Secretary of the Treasury, as directed by this act; and they shall further be entitled to receive, for their own use, from the respective parties, the following fees for services rendered, that is to say; for every original application for land, and a copy of the same, for a section three dollars, for a half section two dollars; for every certificate stating that the first fourth part of the purchase money is paid, twenty-five cents; for every subsequent receipt for monies paid, twenty-five cents; for the final settlement of account and giving the final certificate of the same, one dollar; for every copy, either of an application or of

Allowance to the Registers.

the description of any section or half section, or of the plat of the same, or of any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any general inspection of the book of surveys, or general plat, made in their presence, twenty-five cents.

Allowance to
superintendents
of public sales.

1796, ch. 29.

Patent fees.

1804, ch. 35.

Leases of the
reservations
may be given by
the Surveyor
General.

Pre-emption
right given to
builders of
mills.

Repeal of part
of the former
act.

1796, ch. 29.

SEC. 13. *And be it further enacted*, That the superintendents of the public sales, to be made by virtue of this act, and the superintendents of the sales which have taken place by virtue of the act, intituled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," shall receive five dollars a day for every day whilst engaged in that business; and the accounting officers of the treasury are hereby authorized to allow a reasonable compensation for books, stationery and clerk hire, in settling the accounts of the said superintendents.

SEC. 14. *And be it further enacted*, That the fee to be paid for each patent for half a section shall be four dollars, and for every section five dollars, to be accounted for by the receiver of the same.

SEC. 15. *And be it further enacted*, That the lands of the United States reserved for future disposition, may be let upon leases by the surveyor-general, in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable.

SEC. 16. *And be it further enacted*, That each person who, before the passing of this act, shall have erected, or begun to erect, a grist-mill or saw-mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: *Provided*, the person or his heirs, claiming such right of pre-emption, shall produce to the register of the land office satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers.

SEC. 17. *And be it further enacted*, That so much of the act, providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river, as comes within the purview of this act, be, and the same is hereby repealed.

APPROVED, May 10, 1800.

STATUTE I.

May 10, 1800.

Repealed by
Act of May 1,
1810, ch. 44.

Salaries of
public minis-
ters.

Settlement of
accounts.

CHAP. LVI.—*An Act to ascertain the compensation of public Ministers.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That exclusive of an outfit which shall in no case exceed the amount of one year's full salary to any minister plenipotentiary or chargé des affaires, to whom the same may be allowed, the President of the United States shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses: nor a greater sum for the same than four thousand five hundred dollars per annum to a chargé des affaires: nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary.

SEC. 2. *And be it further enacted*, That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be, and he hereby is authorized to cause the same to be duly settled, annually, with the ac-

(a) See an act fixing the compensation of public ministers and consuls, residing on the coast of Barbary, and for other purposes, May 1, 1810, chap. 44.

counting officers of the treasury in manner following, that is to say: by causing the same to be accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

APPROVED, May 10, 1800.

STATUTE I.

CHAP. LVII.—*An Act to make appropriations for the Navy of the United States, during the year one thousand eight hundred.*

May 10, 1800.

[Obsolete.]
Appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred, there shall be, and hereby is appropriated the sum of two millions, four hundred and eighty-two thousand nine hundred and fifty-three dollars and ninety-nine cents, that is to say: for the pay of the officers of the navy of the United States, the sum of three hundred and ninety-one thousand five hundred and ninety-six dollars; for the subsistence of the officers of the navy, the sum of seventy thousand, seven hundred and twenty-two dollars and forty cents; for the pay of the seamen, the sum of eight hundred and eighteen thousand three hundred and forty dollars; for provisions, the sum of six hundred and three thousand, six hundred and forty-two dollars and sixty-seven cents; for contingent expenses, including the waste of military stores, the expense of the navy store at Philadelphia, comprising store-keeper's salary, clerk hire, store rent, labourers, portorage and freight, and for making good deficiencies in former appropriations, and for similar expenses at Boston, Newport, Baltimore, Norfolk, New York, and other ports, the sum of three hundred and ninety-three thousand six hundred dollars; for the expense of hospitals, medicines and hospital stores, the sum of thirty-two thousand six hundred and forty-seven dollars and twenty cents; for the support of the revenue cutters while employed in the navy service, the sum of ten thousand dollars; for the pay of the officers, non-commissioned officers and privates of the marine corps, the sum of ninety-four thousand, seven hundred and thirty-four dollars; for subsistence of the officers of the said corps, the sum of eight thousand and eighteen dollars and sixty cents; for clothing for the said corps, the sum of thirty-three thousand five hundred and thirty dollars, and seventy-four cents; for military stores for the said corps, the sum of twelve thousand two hundred and seventy-seven dollars and eighty-eight cents; for the contingent expenses of the said corps, including camp equipage, quartermasters, barrack-masters, and hospital stores, and bounties and premiums, the sum of thirteen thousand eight hundred and forty-four dollars.

SEC. 2. *And be it further enacted,* That the aforesaid appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, May 10, 1800.

STATUTE I.

CHAP. LVIII.—*An Act supplementary to the act entitled "An act to establish the Treasury Department."*(a)

May 10, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the Duty of the Secretary of the

(a) Act of September 2, 1789, chap. 12.

Treasury to lay before Congress estimates of the revenue.

duty of the Secretary of the Treasury to digest, prepare and lay before Congress at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue and public expenditures, and plans for improving or increasing the revenues, from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

APPROVED, May 10, 1800.

STATUTE I.

May 13, 1800.

CHAP. LIX.—*An Act to authorize the issuing certain Patents.*

[Obsolete.]

Provision for satisfying resolution warrants for Virginia military lands.

1807, ch. 31.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful, and the proper officer is hereby authorized to issue patents on surveys, which have been, or may be made within the territory reserved by the state of Virginia, northwest of the river Ohio, and being part of her cession to Congress, on warrants for military services, issued in pursuance of any resolution of the legislature of that state, previous to the passing of this act, in favour of persons who had served in the Virginia line on the continental establishment: *Provided,* that the whole quantity of land for which patents shall issue by virtue of this act, shall not exceed sixty thousand acres; and that the surveys aforesaid shall be completed and deposited in the office of the Secretary of War, on or before the first day of December, one thousand eight hundred and three: *And provided also,* that this act shall not give any force or validity to the entries, locations or surveys, heretofore made in pursuance of these warrants, so far as such entries, locations, or surveys, interfere in any manner with those of persons claiming the same lands under entries, locations, or surveys, heretofore made in pursuance of warrants, granted by the state of Virginia to the officers and soldiers in the line of that state on continental establishment.

In case of eviction, warrants may be withdrawn and located elsewhere.

SEC. 2. *And be it further enacted,* That in every case of interfering claims under military warrants, to lands within the territory so reserved by the state of Virginia, when either party to such claims shall lose, or be evicted from the land, every such party shall have a right, and hereby is authorized to withdraw his, her or their warrant, respectively, to the amount of such loss or eviction, and to enter, survey, and patent the same, on any vacant land within the bounds aforesaid, and in the same manner as other warrants may be entered, surveyed and patented.

APPROVED, May 13, 1800.

STATUTE I.

May 13, 1800.

CHAP. LX.—*An Act to enlarge the powers of Surveyors of the Revenue.*

[Repealed.]

Lands and dwelling houses omitted in the lists, may be entered by the surveyors of the revenue.

1801, ch. 33, sec. 3.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever it shall appear to the surveyor of the revenue, appointed or to be appointed in any assessment district within the United States, under the act intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," that any tract of land or dwelling-house, situated within his said district, and directed by the said act to be included in the lists thereby required to be rendered and kept, hath been omitted in the said lists, then and in every such case it shall be the duty of such surveyor, and he hereby is authorized and required to inform himself of the value of such tract of land or dwelling-house, by entry, view, or other lawful ways and means, and to make a list and valuation thereof, in the form and manner prescribed in and by the said act, and to enter and record the said lists and valuation with and among the lists and valuations by

him to be kept and recorded pursuant to the said act; and to charge the amount of the said valuation to the person or persons to whom the same ought to be charged, pursuant to the said act and to the act, intitled "An act to lay and collect a direct tax within the United States;" and that where any assessor, no list having been rendered, shall have estimated any tract of unseated land, to contain a greater number of acres than the said tract shall by the patent or survey of the same actually appear to contain, it shall appear to the surveyor of the assessment district in which the said land shall be situate, by the production of the said patent or survey thereof, that there has been a mistake in estimating the said number of acres, it shall be lawful for such surveyor to credit the proprietor or proprietors thereof with the number of acres so overcharged: *Provided*, that the said credit shall not operate to lessen the sum directed to be collected by virtue of the present law to lay and collect a direct tax: *And provided also*, that no credit shall be valid until the same shall have been approved by the inspector of the survey, or the supervisor of the district, if comprehending but one survey of inspection; and if any error has happened, by charging any person with being the proprietor of any tract or parcel of unseated land, who was not the owner thereof on the first day of October one thousand seven hundred and ninety-eight, or by assessing to any person any tract or parcel of unseated land more than once as proprietor thereof, it shall be lawful in all or any of these cases, for the surveyor of the district in which the said error shall have happened, to correct the same by giving the person so charged such credit in his account respecting the said land as may be just and equitable.

SEC. 2. *And be it further enacted*, That for the services aforesaid, the surveyors of the revenue shall respectively be entitled to, and receive from the United States, the following compensations, that is to say: For every tract of land or dwelling-house, valued and recorded as aforesaid without entry and view, seventy-five cents; for every tract of land or dwelling-house so valued and recorded with entry and view, two dollars; for every mile of necessary travel in going to make such entry and view and returning, five cents; and that the accounts for the said compensations shall be presented to the supervisors of the districts respectively, and if allowed by them, shall be paid by them and credited to their accounts respectively, in the settlement thereof with the treasury department.

SEC. 3. *And be it further enacted*, That whenever any person shall have been charged, pursuant to the above-mentioned acts or either of them, or to this act, with the amount of the valuation of any tract of land or dwelling-house; and such person, or his or her legal representatives or assigns, shall afterwards in due course of law have been ejected from such land or dwelling-house, or have had a decision against him, her or them, upon the title thereof, then, and in every such case, it shall be the duty of the surveyor of the revenue within whose assessment district the said land or dwelling-house shall be situated; and he is hereby authorized and required, on the application of such person, or of his or her legal representatives or assigns, as the case may be, and on the payment or tender by them, or any of them, of the sum of one dollar for every such tract of land or dwelling-house, which sum the said surveyor is hereby authorized to demand and receive in such case, to cancel the valuation on such land or dwelling-house, so far as respects the persons so applying, and to discharge him or her therefrom.

APPROVED, May 13, 1800.

Unseated lands estimated to contain too large a quantity, may be exonerated.

1798, ch. 75.

Error in charging a person who is not the owner; or in charging the owner more than once.

Allowance to the surveyors of the revenue.

In case of legal ejection, the person charged may be exonerated.

STATUTE I.

May 13, 1800.

Act of Sept.
24, 1789, ch. 20.
Mode of se-
lecting jurors.

CHAP. LXI.—*An Act to amend an act intituled "An act to establish the Judicial Courts of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurors to serve in the courts of the United States shall be designated by lot, or otherwise, in each state or district respectively, according to the mode of forming juries to serve in the highest courts of law therein now practised; so far as the same shall render such designation practicable by the courts and marshals of the United States.

APPROVED, May 13, 1800.

STATUTE I.

May 13, 1800.

[Obsolete.]

Appropriation
for expenses of
treaties with the
Indians.

CHAP. LXII.—*An Act to appropriate a certain sum of money to defray the expense of holding a treaty or treaties with the Indians.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding fifteen thousand dollars be appropriated, to defray the expense of such treaty or treaties, as the President of the United States shall deem it expedient to hold with the Indians south of the river Ohio: *Provided,* nothing in this act contained shall be construed to admit an obligation on the part of the United States to extinguish, for the benefit of any state or individual citizen, Indian claims to any lands lying within the limits of the United States; and that the compensation to be allowed to any of the commissioners, who may be appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day during the time of actual service of such commissioner.

SEC. 2. *And be it further enacted,* That the sum aforesaid shall be paid out of any monies in the treasury of the United States not otherwise appropriated.

APPROVED, May 13, 1800.

STATUTE I.

May 13, 1800.

[Obsolete.]

Accounts of
militia who
served against
the Indians in
1794, to be set-
tled.

CHAP. LXIII.—*An Act directing the payment of a detachment of the militia under the command of Major Thomas Johnson, in the year one thousand seven hundred and ninety-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby authorized, to settle the accounts of the militia, who served on an expedition commanded by Major Thomas Johnson against the Indians, in the year one thousand seven hundred and ninety-four, and that the same be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, May 13, 1800.

STATUTE I.

May 13, 1800.

[Obsolete.]

Act of April
14, 1802, ch. 26.
A sum to be
retained on
drawbacks.

CHAP. LXIV.—*An Act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of June next, two and one half per centum on the amount of all drawbacks, allowed or to be allowed by law, upon and for the re-exportation from the United States of goods, wares, or merchandises imported therein, shall be retained for the use of the United States, by the collectors paying such drawbacks respectively; and in addition to the sum of one and one quarter per centum heretofore directed by law to be so retained.

SEC. 2. *And be it further enacted*, That in case of the re-exportation from the United States of goods, wares, and merchandises, imported thereinto in foreign ships or vessels, no part of the additional duty imposed by law on such goods, wares, and merchandises, on account of their importation in such ships or vessels, shall be allowed to be drawback; but that the whole of the said additional duty shall be retained in manner aforesaid, in addition to the rate per centum by this and former acts directed to be retained.

APPROVED, May 13, 1800.

No drawbacks allowed on goods imported in foreign vessels.

STATUTE I.

CHAP. LXV.—*An Act to authorize certain expenditures, and to make certain appropriations for the year one thousand eight hundred.*

May 13, 1800.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the secretary of the Senate, and the clerk of the House of Representatives, respectively, shall have allowed to them, in the settlement of their accounts with the treasury department, the expenses by them respectively incurred, pursuant to the directions of the joint committee of the two houses, in the various measures adopted by the said committee for doing honour to the memory of George Washington, late President of the United States; and that a sum not exceeding three thousand two hundred dollars shall be and hereby is appropriated for defraying the said expenses.

Allowance to the Secretary of the Senate and Clerk of the House.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to cause to be given, during the present year, to the Choctaw nation of Indians, such presents, not exceeding the value of two thousand dollars, as he shall judge most suitable; and that the sum of two thousand dollars shall be and hereby is appropriated for that purpose.

Presents to the Choctaw Indians.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to cause to be expended a sum not exceeding five thousand dollars, for the reimbursement of such reasonable advances of money as have heretofore been, or before the first day of September next may be made by consuls of the United States, in making and supporting the claims of American citizens for captured property, before the tribunals of foreign countries; and that the sum of five thousand dollars shall be and hereby is appropriated for that purpose.

Reimbursement for advances for claims to captured property.

SEC. 4. *And be it further enacted*, That the sum of forty-four thousand dollars shall be, and hereby is appropriated for defraying the expense that has been, or during the present year may be incurred by the payment of costs, in prize causes before the court of admiralty and court of appeals in England.

Various appropriations.

SEC. 5. *And be it further enacted*, That for defraying the expense incident to the visits of Indians to the seat of government, the sum of seven thousand five hundred dollars shall be and hereby is appropriated.

SEC. 6. *And be it further enacted*, That for defraying, during the present year, the additional compensations granted in the present session to the secretary of the Senate, and clerk of the House of Representatives, and to the clerks in their respective offices, the sum of one thousand five hundred dollars shall be and hereby is appropriated.

Ante, page 58.

SEC. 7. *And be it further enacted*, That for defraying the expenses incident, during the present year, to the establishment of the general stamp office, including the salary of the superintendent of stamps, clerk hire, office rent, and all contingent expenses, the sum of four thousand dollars shall be and hereby is appropriated.

SEC. 8. *And be it further enacted*, That for defraying, during the present year, the expense incident to the establishment of the govern-

Ante, page 58.

Various ap-
propriations.

ment of the Indiana territory, including the salary of the governor, judges and secretary, and all contingent expenses, the sum of four thousand dollars shall be and hereby is appropriated.

SEC. 9. *And be it further enacted*, That for defraying the expense incident to the exploring of copper mines on Lake Superior, the sum of one thousand five hundred dollars shall be and hereby is appropriated.

SEC. 10. *And be it further enacted*, That there be appropriated for the present year, the sum of one hundred thousand dollars, to be applied to the fortification of the ports and harbors of the United States, in aid of the sums heretofore appropriated for that purpose and remaining unexpended.

SEC. 11. *And be it further enacted*, That the aforesaid appropriations shall be paid out of any money in the treasury of the United States not otherwise appropriated.

APPROVED, May 13, 1800

STATUTE I.

May 13, 1800.

CHAP. LXVI.—*An Act to lay additional duties on certain articles imported.*

[Obsolete.]
Act of April 27,
1816, ch. 107.
Additional du-
ties on sugar,
molasses and
such articles as
have paid ten
per cent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles herein after enumerated, shall be laid, levied, and collected upon those articles respectively, at their importation into the United States from any foreign port or place, that is to say; upon all brown sugar, one half cent per pound; upon all sugar candy, two cents and one half per pound; upon all molasses, one cent per gallon; and upon all goods, wares and merchandises now paying a duty of ten per centum ad valorem, two and one half per centum ad valorem.

Duties on wines.

SEC. 2. *And be it further enacted*, That from and after the thirtieth day of June next, the duties now imposed and payable on wines, imported into the United States from any foreign port or place, shall cease and be abolished; and that in lieu thereof the following duties shall thenceforth be laid, levied, and collected, upon all wines so imported in casks, bottles, or other vessels, that is to say: upon all Malmsey, Madeira, and London particular Madeira wine, fifty-eight cents per gallon; upon all other Madeira wine, fifty cents per gallon; upon all Burgundy, Champaign, Rhenish, and Tokay wine, forty-five cents per gallon; upon all Sherry wine, forty cents per gallon; upon all Saint Lucar wine, forty cents per gallon; upon all claret and other wines not enumerated, when imported in bottles or cases, thirty-five cents per gallon; upon all Lisbon, Oporto, and other Portugal wines, thirty cents per gallon; upon all Teneriffe, Fayall, Malaga, Saint George and other Western Island wine, twenty-eight cents per gallon; and upon all other wines when imported otherwise than in bottles or cases, twenty-three cents per gallon.

Additional du-
ty on such arti-
cles imported in
foreign vessels.

SEC. 3. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandises as aforesaid, as shall, after the said thirtieth day of June, be imported in ships or vessels not of the United States.

How the du-
ties are to be
collected.

SEC. 4. *And be it further enacted*, That the duties laid by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment respectively, with the several duties now in force on the respective articles herein before enumerated.

Additional
drawback on su-

SEC. 5. *And be it further enacted*, That on account of the additional duties laid on brown sugar and molasses by this act, the following sums

respectively shall, from and after the thirty-first day of December next, be added to the drawbacks now allowed by law, on sugar refined within the United States and exported therefrom, and on spirits distilled from molasses within the United States and exported therefrom, that is to say: On all sugar so refined and exported, one cent per pound; and on all spirits so distilled and exported, one cent per gallon; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

SEC. 6. *And be it further enacted*, That the proceeds of the duties, laid by this act, shall be solely appropriated and applied for the discharge of the interest and principal of the debts of the United States, heretofore contracted, or to be contracted during the present year.

APPROVED, May 13, 1800.

gar refined, and spirits distilled from molasses in the United States.

Repealed April 6, 1802.

Appropriation of the proceeds of these duties.

STATUTE I.

CHAP. LXVII.—*An Act appointing the time, and directing the place of the next meeting of Congress.*

May 13, 1800.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the session of Congress next ensuing the present shall be held at the city of Washington, in the District of Columbia, and said session shall commence on the third Monday of November, one thousand eight hundred.

APPROVED, May 13, 1800.

Congress to meet the third Monday in Nov. 1800.

STATUTE I.

CHAP. LXVIII.—*An Act to make provision relative to rations for Indians, and to their visits to the seat of Government.*

May 13, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and hereby is authorized and empowered to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued under such regulations as he shall think fit to establish, to Indians who may visit the military posts of the United States on the frontiers, or within their respective nations.

Provisions to be issued to the Indians who visit military posts.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is further authorized and empowered to cause to be defrayed, on the part of the United States, the reasonable expenses of such Indians as may from time to time visit the seat of government thereof, for their journeys to, stay at, and return from the same; and also to cause to be given to such Indians, during their stay as aforesaid, such presents as he shall judge necessary.

Expenses of Indians who visit the seat of government of the U. States to be paid.

SEC. 3. *And be it further enacted*, That a separate account of all rations issued, and expenses defrayed as aforesaid, and of the expenditures, occasioned by such presents as are aforesaid, shall be kept at the department of war.

APPROVED, May 13, 1800.

STATUTE I.

CHAP. LXIX.—*An Act supplementary to the act to suspend part of an act, intituled "An act to augment the Army of the United States, and for other purposes."*

May 14, 1800.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States to suspend any further military appointments, under the act to augment the army of the United States, and for other purposes; and under the ninth section of the act for the better organizing of the troops of the United States,

Act of March 16, 1802, ch. 9.

Further appointments may be suspended.

1798, ch. 76.

1799, ch. 43.

and for other purposes; according to his discretion, having reference to economy and the good of the service.

Officers and men may be discharged.

Exceptions.

Three months extra pay allowed.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to discharge, on or before the fifteenth day of June next, all such officers, non-commissioned officers and privates, as have heretofore been appointed, commissioned, or raised, under and by virtue of the said acts, or either of them, except the engineers, inspector of artillery, and inspector of fortifications. *Provided always*, that nothing in this act contained shall be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillerists and engineers, the two troops of light dragoons, or of the general and other staff, authorized by the several laws for the establishing and organizing of the aforesaid corps.

SEC. 3. *And be it further enacted*, That to each officer, non-commissioned officer and private, who shall be discharged from service by virtue of this act, there shall be allowed and paid, in addition to the pay and allowances to which they are now entitled by law, a sum of money equal to three months pay of such officer, non-commissioned officer and private respectively.

APPROVED, May 14, 1800.

STATUTE I.

May 14, 1800.

[Obsolete.]

Act of March 3, 1801, ch. 21. The Mint to remain in Philadelphia.

CHAP. LXX.—*An Act supplementary to the act establishing the Mint, and regulating the coins of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until the fourth day of March one thousand eight hundred and one, the mint shall remain in the city of Philadelphia, and be carried on as heretofore under the laws now in force; any law to the contrary notwithstanding.

APPROVED, May 14, 1800.

RESOLUTIONS.

Dec. 24, 1799.

Relative to the death of General Washington.

I. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That a marble monument be erected by the United States, in the Capitol, at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life.

And be it further resolved, That there be a funeral procession from Congress Hall to the German Lutheran Church, in honour of the memory of General George Washington, on Thursday the twenty-sixth instant, and that an oration be prepared at the request of Congress, to be delivered before both houses on that day; and that the President of the Senate, and Speaker of the House of Representatives, be desired to request one of the members of Congress to prepare and deliver the same.

And be it further resolved, That it be recommended to the people of the United States to wear crape on the left arm as mourning, for thirty days.

And be it further resolved, That the President of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence on the late afflicting dispensation of Providence; and intreating her assent to the interment of the remains of General George Washington, in the manner expressed in the first resolution.

And be it further resolved, That the President of the United States

be requested to issue a proclamation, notifying to the people throughout the United States the recommendation contained in the third resolution.

APPROVED, December 24, 1799.

II. RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That it be recommended to the people of the United States to assemble on the twenty-second day of February next, in such numbers and manner as may be convenient, publicly to testify their grief for the death of General George Washington, by suitable eulogies, orations and discourses, or by public prayers.

And it is further resolved, That the President be requested to issue a proclamation for the purpose of carrying the foregoing resolution into effect.

APPROVED, January 6, 1800.

Jan. 6, 1800.

Relative to the death of General Washington.

III. RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby authorized and directed to procure and transmit to the governor of the state of North Carolina, a number of the copies of the laws of the United States, equal to the number which the Secretary was heretofore authorized to transmit to the governor of the said state by an act, intitled "An act for the more general promulgation of the laws of the United States," to be deposited and distributed agreeably to the provisions of the said act, for the use and information of the citizens of the United States within the said state.

APPROVED, February 3, 1800.

Feb. 3, 1800.

Laws for North Carolina.

IV. RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present to Captain Thomas Truxton, a golden medal, emblematical of the late action between the United States frigate Constellation, of thirty-eight guns, and the French ship of war La Vengeance, of fifty-four; in testimony of the high sense entertained by Congress of his gallantry and good conduct in the above engagement, wherein an example was exhibited by the captain, officers, sailors, and marines, honourable to the American name, and instructive to its rising navy.

And it is further resolved, That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

APPROVED, March 29, 1800.

March 29, 1800.

In honour of Captain Truxton, &c.

V. Resolution respecting the Copper Mines on the south side of Lake Superior.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be authorized to employ an agent, who shall be instructed to collect all material information relative to the copper mines on the south side of Lake Superior, and to ascertain whether the Indian title to such lands as might be required for the use of the United States, in case they should deem it expedient to work the said mines, be yet subsisting, and if so, the terms on which the same can be extinguished. And that the said agent be instructed to make report to the President in such time, as the information he may collect may be laid before Congress at their next session.

APPROVED, April 16, 1800.

April 16, 1800.

Copper mines on Lake Superior.

ACTS OF THE SIXTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventeenth day of November, 1800, and ended on the third day of March, 1801.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; JAMES HILLHOUSE, President of the Senate pro tempore, from the 2d of March, 1801; THEODORE SEDGWICK, Speaker of the House of Representatives.

STATUTE II.

Dec. 15, 1800.

[Obsolete.]

Privilege of franking letters to the delegate from the territory northwest of the river Ohio.

Vol. i. 733.

Delegate to receive letters free of postage.

Compensation to delegate from the territory.

1796, ch. 3.

STATUTE II.

Jan. 30, 1801.

Lighthouse to be erected on Cape Poge.

CHAP. I.—*An Act extending the privilege of franking letters to the Delegate from the Territory of the United States, northwest of the river Ohio; and making provision for his compensation.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the present delegate to Congress from the territory of the United States, northwest of the river Ohio, and every future delegate from the said territory, shall be entitled to the privilege of sending and receiving letters, free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act intituled "An act to establish the post-office of the United States."

SEC. 2. *And be it further enacted,* That the present delegate from the aforesaid territory be authorized to receive, free of postage, under the said restrictions, any letters directed to him, and which shall have arrived at the seat of government, prior to the passage of this act.

SEC. 3. *And be it further enacted,* That the said delegate, and every future delegate from the territory of the United States, northwest of the river Ohio, shall receive for his travelling expenses and attendance in Congress, the same compensation as is, or may be allowed, by law, to the members of the House of Representatives of the United States; to be certified and paid in the same manner.

APPROVED, December 15, 1800.

CHAP. III.—*An Act to provide for the erection and support of a Lighthouse on Cape Poge, at the northeasterly part of Martha's Vineyard.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on Cape Poge (so called) on Martha's Vineyard, in the state of Massachusetts, and to appoint a keeper, and otherwise to provide for the support of such lighthouse at the expense of the United States: *Provided,* that sufficient land for the accommodation of such lighthouse, together with the jurisdiction thereof, shall be duly and legally granted to, and vested in the United States.

SEC. 2. *And be it further enacted*, That there shall be, and hereby is appropriated for the erection of said lighthouse on Cape Poge, a sum not exceeding two thousand dollars, to be paid out of any monies which may be in the treasury of the United States, not otherwise appropriated.

APPROVED, January 30, 1801.

Appropriation.

STATUTE II.

CHAP. IV.—*An Act to provide for the more convenient organization of the Courts of the United States.*

Feb. 13, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the next session of the Supreme Court of the United States, the said court shall be holden by the justices thereof, or any four of them, at the city of Washington, and shall have two sessions in each and every year thereafter, to commence on the first Monday of June and December respectively; and that if four of the said justices shall not attend within ten days after the times hereby appointed for the commencement of the said sessions respectively, the said court shall be continued over till the next stated session thereof: *Provided always*, that any one or more of the said justices, attending as aforesaid, shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceeding, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings.

Repealed by Act of April 29, 1802, ch. 31.

Terms of the Supreme Court.

The court to be holden at the city of Washington, by four justices.

To adjourn if four justices do not attend.

One or more of the justices attending may make rules and orders respecting courts, &c.

SEC. 2. *And be it further enacted*, That the said court shall have power, and is hereby authorized, to issue writs of prohibition, mandamus, scire facias, habeas corpus, certiorari, procedendo, and all other writs not specially provided for by statute, which may be necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law.

Court to have power to issue certain writs.

SEC. 3. *And be it further enacted*, That from and after the next vacancy that shall happen in the said court, it shall consist of five justices only; that is to say, of one chief justice, and four associate justices.

The court to consist of five justices after the next vacancy.

SEC. 4. *And be it further enacted*, That for the better establishment of the circuit courts of the United States, the said states shall be, and hereby are divided into districts, in manner following; that is to say, one to consist of that part of the state of Massachusetts, which is called the district of Maine, and to be called the district of Maine; one to consist of the state of New Hampshire, and to be called the district of New Hampshire; one to consist of the remaining part of the state of Massachusetts, and to be called the district of Massachusetts; one to consist of the state of Rhode Island and Providence Plantations, and to be called the district of Rhode Island; one to consist of the state of Connecticut, and to be called the district of Connecticut; one to consist of the state of Vermont, and to be called the district of Vermont; one to consist of that part of the state of New York which lies north of the counties of Dutchess and Ulster, and to be called the district of Albany; one to consist of the remaining part of the state of New York, and to be called the district of New York; one to consist of the state of New Jersey, and to be called the district of Jersey; one to consist of that part of the state of Pennsylvania which lies east of the river Susquehanna, and the northeast branch thereof, to the line betwixt Northumberland and Luzerne counties; thence westwardly along said line, betwixt Northumberland and Luzerne, and betwixt Luzerne and Lycoming counties, until the same strikes the line of the state of New York, and to be called the Eastern district of Pennsylvania; one to consist of the remaining part of the state of Pennsylvania, and to be called the

Division of the states into districts in relation to the Circuit Courts.

Maine.

New Hampshire.

Rhode Island.

Connecticut.

Vermont.

New York.

New Jersey.

Pennsylvania.

Delaware.	Western district of Pennsylvania; one to consist of the state of Delaware, and to be called the district of Delaware; one to consist of the state of
Maryland.	Maryland, and to be called the district of Maryland; one to consist of
Virginia.	that part of the state of Virginia, which lies to the eastward of a line to be drawn from the river Potomac at Harper's ferry, along the Blue Ridge, with the line which divides the counties on the east side thereof from
North Carolina.	those on the west side thereof, to the North Carolina line, to be called the Eastern district of Virginia; one to consist of the remaining part of the said state of Virginia, to be called the Western district of Virginia; one to consist of the state of North Carolina, and to be called the district of
South Carolina.	North Carolina; one to consist of the state of South Carolina, and to be called the district of South Carolina; one to consist of the state of
Georgia.	Georgia, and to be called the district of Georgia; one to consist of that
Tennessee.	part of the state of Tennessee which lies on the east side of Cumberland mountain, and to be called the district of East Tennessee; one to consist of the remaining part of said state, and to be called the district of West
Kentucky.	Tennessee; one to consist of the state of Kentucky, and to be called the district of Kentucky; and one to consist of the territory of the United
Ohio.	States northwest of the Ohio, and the Indiana territory, and to be called the district of Ohio.
Waters and mountains to be considered as within both the adjoining districts.	SEC. 5. <i>And be it further enacted</i> , That where any two adjoining districts of the United States shall be divided from each other, in whole or in part, by any river, bay, water, water-course or mountain, the whole width of such river, bay, water, water-course or mountain, as the case may be, shall be taken and deemed, to all intents and purposes, to be within both of the districts so to be divided thereby.
Classification of the districts into six circuits.	SEC. 6. <i>And be it further enacted</i> , That the said districts shall be classed into six circuits in manner following; that is to say: The first circuit shall consist of the districts of Maine, New Hampshire, Massachusetts, and Rhode Island; the second, of the districts of Connecticut, Vermont, Albany and New York; the third, of the districts of Jersey, the Eastern and Western districts of Pennsylvania, and Delaware; the fourth, of the districts of Maryland, and the Eastern and Western districts of Virginia; the fifth, of the districts of North Carolina, South Carolina, and Georgia; and the sixth, of the districts of East Tennessee, West Tennessee, Kentucky, and Ohio.
Three judges to be appointed for the circuits, except the sixth circuit.	SEC. 7. <i>And be it further enacted</i> , That there shall be in each of the aforesaid circuits, except the sixth circuit, three judges of the United States, to be called circuit judges, one of whom shall be commissioned as chief judge; and that there shall be a circuit court of the United States, in and for each of the aforesaid circuits, to be composed of the circuit judges within the five first circuits respectively, and in the sixth circuit, by a circuit judge, and the judges of the district courts of Kentucky and Tennessee; the duty of all of whom it shall be to attend, but any two of whom shall form a quorum; and that each and every of the said circuit courts shall hold two sessions annually, at the times and places following, in and for each district contained within their several circuits respectively; that is to say, the circuit court of the first circuit, at Providence on the eighth day of May, and at Newport on the first day of November, in and for the district of Rhode Island; at Boston, in and for the district of Massachusetts, on the twenty-second day of May and fifteenth day of October; at Portsmouth on the eighth day of June, and at Exeter on the twenty-ninth day of September, in and for the district of New Hampshire; in and for the district of Maine, at Portland on the fifteenth day of June, and at Wiscasset on the twenty-second day of September. The circuit court of the second circuit, at New Haven on the fifteenth day of April, and at Hartford, on the twenty-fifth day of September, in and for the district of Connecticut; at Windsor on the fifth day of May, and at Rutland on the fifteenth day of October, in and
Times of holding the circuit courts.	
Massachusetts.	
New Hampshire.	
Maine.	
Connecticut.	
Vermont.	

for the district of Vermont; at the city of Albany, in and for the district of Albany, on the twentieth day of May and twenty-fifth day of October; at the city of New York, in and for the district of New York, on the fifth day of June and the tenth day of November. The circuit court of the third circuit, at Trenton, in and for the district of Jersey, on the second days of May and October; at the city of Philadelphia, in and for the Eastern district of Pennsylvania, on the eleventh day of May and eleventh day of October; at Bedford, in and for the Western district of Pennsylvania, on the twenty-fifth day of June and twenty-fifth day of November; and at Dover, in and for the district of Delaware, on the third day of June and twenty-seventh day of October. The circuit court of the fourth circuit, at Baltimore, in and for the district of Maryland, on the twentieth day of March and fifth day of November; at Lexington in Rockbridge county, in and for the Western district of Virginia, on the fifth day of April and twentieth day of November; and at the city of Richmond, in and for the Eastern district of Virginia, on the twenty-fifth day of April, and fifth day of December. The circuit court of the fifth circuit, at Raleigh, in and for the district of North Carolina, on the first day of June and the first day of November; at Charleston on the sixth day of May, and at Columbia on the thirtieth day of November, in and for the district of South Carolina; at Savannah on the tenth day of April, and at Augusta on the fifteenth day of December, in and for the district of Georgia; and the circuit court of the sixth circuit, at Knoxville, in and for the district of East Tennessee, on the twenty-fifth day of March and twenty-fifth day of September; at Nashville, in and for the district of West Tennessee, on the twentieth day of April and twentieth day of October; and at Bairdstown, in and for the district of Kentucky, on the fifteenth day of May and fifteenth day of November; and at Cincinnati in and for the district of Ohio, on the tenth day of June and on the tenth day of December; and so on the several days and at the several places aforesaid, in each and every year afterwards: *Provided always*, that when any of the said days shall happen on Sunday, then the said court hereby directed to be holden on such day, shall be holden on the next day thereafter; and provided also, that there shall be appointed, in the sixth circuit, a judge of the United States, to be called a circuit judge, who together with the district judges of Tennessee and Kentucky, shall hold the circuit courts, hereby directed to be holden, within the said circuit; and that whenever the office of district judge, in the districts of Kentucky and Tennessee respectively, shall become vacant, such vacancies shall respectively be supplied by the appointment of two additional circuit judges, in the said circuit, who, together with the circuit judge first aforesaid, shall compose the circuit court of the said circuit.

SEC. 8. *Provided always, and be it further enacted*, That the said circuit courts hereby established shall have power, and hereby are authorized, to hold special sessions, for the trial of criminal causes, at any other time or times than is hereby directed, at their discretion.

SEC. 9. *And provided also, and be it further enacted*, That if in the opinion of any judge of any of the said circuit courts, it shall be dangerous to hold the next stated session of such court, for any district within the circuit to which such judge shall belong, at the place by law appointed for holding the same; it shall be lawful for such judge to issue his order, under his hand and seal, to the marshal of such court, directing him to adjourn the said session, to such other place within the same district as the said judge shall deem convenient; which said marshal shall, thereupon, adjourn the said court pursuant to such order, by making, in one or more public papers, printed within the said district, publication of such order and adjournment, from the time when he shall receive such order to the time appointed by law for commencing such stated

New York two districts.

New Jersey.

Pennsylvania.

Delaware.

Maryland.

Virginia.

North Carolina.

South Carolina.

Georgia.

East Tennessee.

West Tennessee.

Kentucky.

Ohio.

Sixth Circuit.

The circuit courts may hold special sessions.

A judge of the circuit court may alter the place of its meeting.

session : and that the court so to be held, according to, and by virtue of such adjournment, shall have the same powers and authorities, and shall proceed in the same manner, as if the same had been held at the place appointed by law for that purpose.

General powers of the circuit courts.

SEC. 10. *And be it further enacted,* That the circuit courts shall have, and hereby are invested with, all the powers heretofore granted by law to the circuit courts of the United States, unless where otherwise provided by this act.

Subjects of the cognizance of the circuit courts.

SEC. 11. *And be it further enacted,* That the said circuit courts respectively shall have cognizance of all crimes and offences cognizable under the authority of the United States, and committed within their respective districts, or upon the high seas ; and also of all cases in law or equity, arising under the constitution and laws of the United States, and treaties made, or which shall be made, under their authority ; and also of all actions, or suits of a civil nature, at common law, or in equity, where the United States shall be plaintiffs or complainants ; and also of all seizures on land or water, and all penalties and forfeitures, made, arising or accruing under the laws of the United States ; which cognizance of all penalties and forfeitures, shall be exclusively of the state courts, in the said circuit courts, where the offence, by which the penalty or forfeiture is incurred, shall have been committed within fifty miles of the place of holding the said courts ; and also of all actions, or suits, matters or things cognizable by the judicial authority of the United States, under and by virtue of the constitution thereof, where the matter in dispute shall amount to four hundred dollars, and where original jurisdiction is not given by the constitution of the United States to the supreme court thereof, or exclusive jurisdiction by law to the district courts of the United States : *Provided always,* that in all cases where the title, or bounds of land shall come into question, the jurisdiction of the said circuit courts shall not be restrained, by reason of the value of the land in dispute.

Circuit courts and judges to have cognizance under the bankrupt law.

SEC. 12. *And be it further enacted,* That the said circuit courts respectively shall have cognizance concurrently with the district courts, of all cases which shall arise, within their respective circuits, under the act to establish a uniform system of bankruptcy throughout the United States ; and that each circuit judge, within his respective circuit, shall and may perform all and singular the duties enjoined by the said act, upon a judge of a district court : and that the proceedings under a commission of bankruptcy, which shall issue from a circuit judge, shall in all respects be conformable to the proceedings under a commission of bankruptcy, which shall issue from a district judge, *mutatis mutandis.*

Certain suits may be removed from the state courts.

SEC. 13. *And be it further enacted,* That where any action or suit shall be, or shall have been commenced, in any state court within the United States, against an alien, or by a citizen or citizens of the state in which such suit or action shall be, or shall have been commenced against a citizen or citizens of another state, and the matter in dispute, except in cases where the title or bounds of land shall be in question, shall exceed the sum or value of four hundred dollars, exclusive of costs, and the defendant or defendants in such suit or action shall be personally served with the original process therein, or shall appear thereto ; or where, in any suit or action, so commenced or to be commenced, final judgment, for a sum exceeding four hundred dollars, exclusive of costs, shall have been rendered in such state court, against such defendant or defendants, without return of personal service on him, her, or them, of the original process in such suit or action, and without an appearance thereto, by him, her, or them, and a writ of error, or writ of review, shall be brought by such defendant or defendants, in such state court, to reverse the said judgment ; or where any suit or action shall have been, or shall be commenced in any such court, against any person or

Manner of removal.

persons, in any case arising under the constitution or laws of the United States, or treaties made or to be made under their authority; then, and in any of the said cases, it shall be lawful for the defendant or defendants, in such suit or action, at the time of entering his, her, or their appearance thereto, and for the plaintiff, or plaintiffs in such writ of error, or writ of review, at the time when such writ shall be returnable, to file in such court a petition for the removal of such suit, action, writ of error, or writ of review, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden, and to offer to such state court good and sufficient surety for entering, in such circuit court, on the first day of its next ensuing session, true copies of the process and proceedings, in such action, suit, writ of error, or writ of review, and also for his, her, or their appearance in the said circuit court, at the period aforesaid, and then and there entering special bail, in the said suit, or action, if special bail was originally demandable, and demanded therein; whereupon it shall be the duty of the said state court to accept the said security, and to stay all further proceedings in such suit, action, writ of error, or writ of review, and to discharge any bail that may have been given therein; and that the said copies being filed as aforesaid in such circuit court, and special bail, in manner aforesaid, being given therein, such suit, action, writ of error, or writ of review, shall be therein proceeded on, tried, heard and determined, in the same manner as if there originally commenced or brought: *Provided always*, that any attachment of the goods or estate of the defendant, by the original process in such suit or action, shall hold the goods or estate so attached, to answer the final judgment in the said circuit court, in the same manner as by the laws of the state they would have been holden, to answer the final judgment, had it been rendered by the court in which the suit or action was commenced.

SEC. 14. *And be it further enacted*, That when any suit or action, commenced, or to be commenced, in any state court within the United States, between citizens of the same state, the title or bounds of land shall come into question, it shall be lawful for either party, before trial, to state to the said court, and make affidavit if thereby required, that he, she, or they, doth or do claim under, and at the hearing or trial shall rely upon a right or title to the lands in dispute, under a grant, or grants, from a state other than that wherein such suit or action is, or shall be pending; and to produce to the said court the original grant, or grants, so claimed under, or exemplifications thereof, except in cases where the loss of public records shall put it out of his, her or their power so to do; and to move that the adverse party do inform the said court, forthwith, whether he, she, or they, doth or do claim the land in dispute, under a grant or grants from the state wherein such suit or action is, or shall be pending; whereupon the said adverse party shall give such information, or otherwise not be allowed to plead, or give in evidence, in the cause any such grant; and that if it shall appear from such information, that the said adverse party doth claim the said lands, under any such grant, or grants, then it shall be lawful for the party moving for such information, if plaintiff or complainant in the said suit or action, to remove the same, by motion, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden; and if defendant in the said suit or action, then to remove the same, as aforesaid, in the same manner, and under the like regulations, terms, and conditions, as are provided in and by the preceding section of this act, in the cases of actions thereby directed to be removed; and that the said circuit courts respectively, into which such suit or action shall be removed, pursuant to the provisions in this section contained, shall proceed in, try, hear and determine the same, in like manner as if therein

Certain suits may be removed from the state courts.

Proceedings when both parties to a suit claim under the same title to lands under different states.

Proviso as to pleading.

brought by original process: *Provided always*, that neither party, so removing any suit or action, shall be allowed, on the trial or hearing thereof, to plead, give evidence of, or rely on, any other title than that by him, her, or them, so stated as aforesaid, as the ground of his, her, or their claim.

One judge of the circuit court may hold the court for five days and do certain acts therein.

SEC. 15. *And be it further enacted*, That any one judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, to hold the same from day to day, not exceeding five days, to impanel and charge the grand jury, to order process on any indictment or presentment found in the said court; to direct subpoenas for witnesses to attend the same, and the requisite process on the non-attendance of witnesses or jurors; to receive any presentment or indictment from the grand jury; to take recognizance for the attendance of any witness, or for the appearance of any person, presented or indicted; to award and issue process, and order commitment for contempts; to commit any person presented or indicted, for want of security or otherwise; to order publication of testimony; to issue commissions for the examination of witnesses, where allowable by law; to grant rules and orders of survey; to take order, where necessary, relative to jurors, to serve at the next stated session of the said court; to direct the examination of witnesses *de bene esse*, where allowed by law; to make rules of reference by consent of parties; and to grant continuances on the motion of either party, upon such terms and conditions, as shall be agreeable to practice and the usages of law; and that if some other judge of the said court shall not attend the same within five days after the commencement thereof, inclusive, then the said court shall, by virtue of this act, be continued over to the next stated session thereof; in which case, all writs, process, and recognizances, returned and returnable to the said court, and all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending before the said court, shall, by virtue of this act, be continued to the next stated session of the same.

Adjournment if another judge does not attend.

In civil suits no arrest shall be made in one district for trial in another, and no original civil process shall be brought but against inhabitants of the district or such as are found therein.

SEC. 16. *And be it further enacted*, That no person shall be arrested in one of the said districts, for trial in another, before any of the said circuit courts in any civil action; and that no civil action or suit shall be brought before any of the said courts, by any original process, against an inhabitant of the United States, in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ; nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favour of an assignee, unless a suit might have been prosecuted in such court to recover the said contents, if no assignment had been made, except in cases of foreign bills of exchange.

Suits founded on assignments. Trial by jury.

SEC. 17. *And be it further enacted*, That the trials of all issues of fact, before any of the circuit courts hereby established, except in cases of equity, and admiralty and maritime jurisdiction, shall be by jury.

Writs of ne-exeat and injunctions.

SEC. 18. *And be it further enacted*, That any judge of any of the said circuit courts shall be, and hereby is authorized and empowered, in all cases cognizable by the circuit court, whereof he shall be a judge, to grant writs of ne-exeat, and writs of injunction to stay waste, or to stay proceedings at law, on any judgment rendered by such circuit court, upon the like terms and conditions as such writs may be now granted, by the justices of the Supreme Court of the United States.

Removal of prisoners in case of danger.

SEC. 19. *And be it further enacted*, That if in the opinion of any circuit judge, of the circuit within which such district may be situated, the life or lives of any person or persons, confined in the prison of such district, under or by virtue of any law of the United States, shall be in imminent danger, arising from the place of such confinement, it shall, in such case, be lawful for such judge, and he is hereby authorized and empowered, to direct the marshal of such district to remove,

or cause to be removed, the person or persons so confined, to the next adjacent prison, there to be confined, until he, she, or they, may safely be removed back, to the place of his, her, or their first confinement; and that the said removals shall be at the expense of the United States.

SEC. 20. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in any of the present circuit courts of the United States, or in any of the present district courts of the United States, acting as circuit courts, shall be, and hereby are, continued over to the circuit courts established by this act, in manner following, that is to say: all such as shall, on the fifteenth day of June next, be depending and undetermined, or shall then have been commenced and made returnable before the district court of Maine, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of Maine; all such as shall be depending and undetermined before the circuit court for the district of New Hampshire, to the next circuit court hereby directed to be holden, within and for the district of New Hampshire; all such as shall be depending and undetermined before the circuit court for the district of Massachusetts, to the next circuit court hereby directed to be holden, within and for the district of Massachusetts; all such as shall be depending and undetermined before the circuit court of the district of Rhode Island, to the next circuit court hereby directed to be holden, within and for the district of Rhode Island; all such as shall be depending or undetermined before the circuit court for the district of Connecticut, to the next circuit court hereby directed to be holden, within and for the district of Connecticut; all such as shall be depending and undetermined before the circuit court for the district of Vermont, to the next circuit court hereby directed to be holden, within and for the district of Vermont; all such as shall be depending and undetermined before the circuit court for the district of New York, to the next circuit court hereby directed to be holden, within and for the district of New York; all such as shall be depending and undetermined before the circuit court for the district of New Jersey, to the next circuit court hereby directed to be holden, within and for the district of Jersey; all such as shall be depending and undetermined before the circuit court for the district of Pennsylvania, to the next circuit court hereby directed to be holden, within and for the eastern district of Pennsylvania; all such as shall be depending and undetermined before the circuit court for the district of Delaware, to the next circuit court hereby directed to be holden, within and for the district of Delaware; all such as shall be depending and undetermined before the circuit court for the district of Maryland, to the next circuit court hereby directed to be holden, within and for the district of Maryland; all such as shall be depending and undetermined before the circuit court for the district of Virginia, to the next circuit court hereby directed to be holden, within and for the eastern district of Virginia; all such as shall be depending and undetermined before the circuit court for the district of North Carolina, to the next circuit court hereby directed to be holden, within and for the district of North Carolina; all such as shall be depending and undetermined before the circuit court for the district of South Carolina, to the next circuit court hereby directed to be holden, within and for the district of South Carolina; all such as shall be depending and undetermined before the circuit court for the district of Georgia, to the next circuit court hereby directed to be holden, within and for the district of Georgia; all such as shall be depending and undetermined before the district court of Tennessee, acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of East Tennessee; all such as shall be depending and undetermined before the district court of Kentucky,

Continuance
of suits now de-
pending in the
circuit courts.

acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of Kentucky; and shall there be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been, if this act had not been made.

Additional district courts established.

Sec. 21. *And be it further enacted*, That for the better dispatch of the business of district courts of the United States, in the districts of Jersey, Maryland, Virginia, and North Carolina, additional district courts shall be established therein, in manner following, that is to say: The said district of Jersey shall be divided into two districts; one to consist of that part thereof, which is called East New Jersey, and to be called the district of East Jersey; a district court, in and for which, shall be holden at New Brunswick, by the district judge of the district of Jersey, on the fourth Tuesday in May, and on the fourth Tuesday in November, in each and every year; and one other, to consist of the remaining part of the said district of Jersey, and to be called the district of West Jersey, a district court, in and for which, shall be holden at Burlington, by the district judge last aforesaid, on the fourth Tuesday in February, and on the fourth Tuesday in August, in each and every year. And a new district shall be established, in the districts of Maryland and Virginia, to consist of the territory of Columbia, of all that part of the district of Maryland, which lies west and southwest of the river Patuxent, and of the western branch thereof, and south of the line which divides the county of Montgomery in the last mentioned district, from the county of Frederick, and of a line to be drawn from the termination of the last mentioned line, a northeast course to the western branch of the Patuxent; and of all that part of the district of Virginia, which lies north of the river Rappahannock, and east of the line which divides the counties of Fauquier and Loudon, in the last mentioned district from the counties of Fairfax, Prince William, and Stafford; which new district shall be called the district of Potomac, and a district court in and for the same, shall be holden at Alexandria, by the district judge of the district of Maryland, on the first Tuesday in April, and the first Tuesday in October, in each and every year. And there shall be a new district established in the district of Virginia, to be called the district of Norfolk, and to consist of all that part of the said district of Virginia, which is contained within the counties of Isle of Wight, Nansemond, Norfolk, Princess Anne, James City, New Kent, Warwick, York, Elizabeth City, Gloucester, Matthews, Middlesex, Accomac, and Northampton; a district court, in and for which district of Norfolk, shall be holden at Norfolk, by the district judge of the district of Virginia, on the first Tuesday in February, on the first Tuesday in May, on the first Tuesday in August, and on the first Tuesday in November, in each and every year. And the district of North Carolina shall be divided into three districts; one to consist of all that part thereof, which by the laws of the state of North Carolina, now forms the districts of Edenton and Halifax; which district shall be called the district of Albemarle, and a district court, in and for the same, shall be holden at Edenton, by the district judge of the district of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each and every year; one other to be called the district of Pamptico, and to consist of all that part of the district of North Carolina aforesaid, which by the laws of the said state now forms the district of Newbern and Hillsborough, together with all that part of the district of Wilmington, which lies to the northward and eastward of the river called New River, and for which district of Pamptico, a district court shall be holden at Newbern, by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December; in each and every year. And one other to consist of the remaining part of the said district of North Carolina, and to be called the district of Cape Fear, in and

for which a district court shall be holden at Wilmington, by the district judge last aforesaid, on the last Tuesday in March, on the last Tuesday in July, and on the last Tuesday in November, in each and every year; which said courts, hereby directed to be holden, shall severally and respectively have and exercise, within their several and respective districts, the same powers, authority, and jurisdiction, in all cases and respects whatsoever, which are vested by law in the district courts of the United States.

Additional district courts.

SEC. 22. *And be it further enacted*, That there shall be clerks for each of the said courts to be appointed by the judge thereof, which clerks shall reside and keep the records of the said courts, at the places of holding the courts, whereto they respectively shall belong, and shall perform the same duties, and be entitled to and receive the same emoluments and fees, which are established by law, for the clerks of the district courts of the United States respectively; and that the marshals and attorneys of the United States, for the districts, which are hereby divided, or within the limits of which new districts are hereby erected, shall continue to be marshals and attorneys for the courts hereby appointed to be holden within the limits of their present districts respectively, and shall have, exercise, and perform, within the jurisdictions of those courts respectively, all the powers and duties, and receive all the fees and emoluments, appointed and established by law, for the marshals and attorneys of the United States.

Clerks of the district courts to be appointed.

Marshals and attorneys to act in the subdivisions of their districts.

SEC. 23. *And be it further enacted*, That the stated sessions of the district court of the district of Maryland shall hereafter be holden at Baltimore only.

District court of Maryland to be held at Baltimore only.

SEC. 24. *And be it further enacted*, That the district courts of the United States, in and for the districts of Tennessee and Kentucky, shall be, and hereby are, abolished; and that all and singular the powers, authority and jurisdiction of the said courts respectively shall be and hereby are vested in, and shall be exercised by the circuit courts, by this act directed to be holden in and for the districts of East Tennessee, West Tennessee and Kentucky, respectively, within the limits of their respective jurisdictions; and that the circuit judges to be appointed for the sixth circuit aforesaid, severally, shall be invested with, possess and exercise, all and singular the powers, now vested by law in the district judges of the United States.

District courts of Tennessee and Kentucky abolished.

Judges for the sixth circuit to have the powers of district judges.

SEC. 25. *And be it further enacted*, That in case of the inability of the district judge of either of the districts of the United States, to perform the duties of his office, and satisfactory evidence thereof being shown to the circuit court, in and for such district, it shall be the duty of such circuit court, from time to time, as occasion may require, to direct one of the judges of said circuit court, to perform the duties of such district judge, within and for said district, for and during the period the inability of the district judge shall continue. And it shall be the duty of the circuit judge, to whom the duties of the district judge shall be assigned in manner aforesaid, and he is hereby authorized to perform the duties of said district judge, during the continuance of his disability.

In case of inability of the district judge, a circuit judge may act.

SEC. 26. *And be it further enacted*, That the several circuit courts hereby established shall have power to appoint clerks for their respective courts; that is to say, one for each district within which such court is or shall be directed by law to be holden; which clerks respectively shall take the same oath or affirmation, and give the like bonds, as are by law required to be taken and given by the clerk of the supreme court of the United States; and shall be entitled to demand and receive, for their services respectively, the same fees, to be recovered in the same manner, as have heretofore been allowed by law, for the like services, to the clerks of the circuit and district courts of the United States.

Clerks of the circuit courts to be appointed.

Former circuit courts abolished.

SEC. 27. *And be it further enacted*, That the circuit courts of the United States, heretofore established, shall cease and be abolished; and that the records and office papers of every kind, belonging to those courts respectively, shall be safely kept by the clerks thereof, who shall continue in all respects to act as heretofore in the business of the said courts, until it shall otherwise be ordered by the courts hereby established.

Certain courts constituted courts of record.

SEC. 28. *And be it further enacted*, That the supreme, circuit and district courts of the United States, shall be, and hereby are, constituted courts of record.

Test, signing and return of writs.

SEC. 29. *And be it further enacted*, That all writs and processes whatsoever, issuing from any of the circuit courts, hereby established, shall, after the first day of April next, bear test of the presiding judge of such court; before which time they shall bear test of the chief justice of the United States; all which said writs and processes shall be signed by the clerks of the courts respectively, from which the same shall issue, and shall be made returnable to the next stated or special session of such court, and all writs and processes which have issued, or which may issue before the first day of April next, returnable to the circuit courts heretofore established, or to any district court acting as a circuit court, shall be returned to the circuit courts hereby established, and shall be there proceeded in, in the same manner as they could, had they been originally returnable to the circuit courts hereby established.

Judges of the supreme and circuit courts may grant writs of habeas corpus.

SEC. 30. *And be it further enacted*, That every justice of the supreme court of the United States, and every judge of any circuit or district court shall be, and hereby is authorized and empowered, to grant writs of habeas corpus, for the purpose of inquiring into the cause of commitment, and thereupon to discharge from confinement, on bail or otherwise: *Provided always*, that no writ of habeas corpus, to be granted under this act, shall extend to any prisoner or prisoners in gaol, unless such prisoner or prisoners be in custody, under or by colour of the authority of the United States, or be committed for trial before some court of the same; or be necessary to be brought into court to give testimony.

New trials, rehearings and practice.

SEC. 31. *And be it further enacted*, That the several courts of the United States shall be, and hereby are authorized and empowered to grant new trials and rehearings, on motion and cause shown, and to make and establish all necessary rules and regulations, for returning writs, filing pleas, and other proceedings; and for regulating the practice and enforcing the orderly conduct of business, in the said courts respectively: *Provided always*, that the said rules and regulations be not repugnant to the laws of the United States; and that all the courts of the United States, and each of the justices and judges thereof, shall be, and hereby are, authorized and empowered to administer all necessary oaths and affirmations, and to bind to the peace or good behaviour, with surety where necessary, in all cases, arising under the authority of the United States.

The courts or judges empowered to administer oaths generally, &c.

Oath of a circuit judge.

SEC. 32. *And be it further enacted*, That every person who shall be appointed a judge of any circuit court, hereby established, shall, before he shall begin to exercise the duties of his said office, take the following oath or affirmation; that is to say: "I, A. B. do solemnly swear" (or affirm) "that I will administer justice without respect to persons; and will do equal right to all persons; and will, in all things, faithfully and impartially discharge and perform, all the duties incumbent on me as a judge of _____ according to the best of my abilities and understanding, and to the constitution and laws of the United States."

Appeals from the district courts, to the circuit courts,

SEC. 33. *And be it further enacted*, That from all final judgments or decrees, in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or

value of fifty dollars, shall be allowed to the circuit court next to be holden, in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear and determine such appeal; and that from all final judgments or decrees in any circuit court, in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States; and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal; and that such appeals shall be subject to the same rules, regulations and restrictions, as are prescribed by law in case of writs of error; and that the said supreme court shall be, and hereby is authorized and required, to receive, hear and determine such appeals.

and from thence to the supreme court.

SEC. 34. *And be it further enacted,* That all final judgments in civil actions at common law, in any of the circuit courts hereby established, whether brought by original process in such court, or removed thereto from any state court, and all final judgments in any of the district courts of the United States may, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, be re-examined and reversed or affirmed, in the supreme court of the United States, by writ of error: whereto shall be annexed, and returned therewith at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, and also a citation to the adverse party, signed by a judge of such circuit court, or by the district judge as the case may be; which citation shall be served on the adverse party personally, or by leaving a true copy thereof at his or their usual place or places of residence, at least thirty days before the time mentioned in such writ of error, for the return thereof.

Writs of error to the circuit courts.

SEC. 35. *And be it further enacted,* That the stipulation, bond or security, taken upon any writ of error or appeal to be brought or allowed as aforesaid, shall be returned by the judge taking the same, to the clerk or register of the court where the judgment or decree complained of was rendered, to be by him annexed to the transcript of the record, hereby directed to be sent up to the supreme court of the United States.

Security taken upon writs of error or appeals to be sent up with the record.

SEC. 36. *And be it further enacted,* That there shall be appointed, in and for each of the districts established by this act, a marshal, whose duty it shall be to attend the circuit courts of the United States hereby established, when sitting within such district, and who shall have and exercise, within such district, the same powers, perform the same duties, be subject to the same penalties, give the same bond with sureties, take the same oath, be entitled to and receive the same compensation and emoluments, and in all respects be subject to the same regulations, as are now prescribed by law, in respect to the marshals of the United States heretofore appointed: *Provided always,* that the several marshals of the United States, now in office, shall, during the periods for which they were respectively appointed, unless sooner removed by the President of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by marshals therein.

Marshals to be appointed.

SEC. 37. *And be it further enacted,* That there shall be appointed for each of the districts hereby established, a person learned in the law, to act as attorney for the United States within such district, and in the circuit and district courts which may be holden therein; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute, in such district, all delinquents for

District attorneys to be appointed.

District attorneys.

crimes and offences cognizable under the authority of the United States, and all civil actions or suits in which the United States shall be concerned, except actions or suits in the supreme court of the United States; and shall be entitled to, and receive, for their services respectively, such compensations, emoluments and fees, as by law are or shall be allowed, to the district attorneys of the United States: *Provided always*, that the district attorneys of the United States now in office shall, severally and respectively, be attorneys for those districts hereby established, within which they reside, until removed by the President of the United States; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by the attorney of the United States therein.

Compensation of jurors and witnesses.

SEC. 38. *And be it further enacted*, That jurors and witnesses attending any of the courts, hereby established, shall be entitled to and receive the same compensations respectively, as heretofore have been allowed by law to jurors and witnesses, attending the circuit and district courts of the United States.

Records of the circuit courts, where to be kept.

SEC. 39. *And be it further enacted*, That the records of the several circuit courts, hereby established, shall hereafter be kept at the respective places at which the said courts are hereby directed to be holden: *Provided always*, that in the district wherein there are more than one place directed by this act for holding said circuit courts, the records of the circuit court in such district shall hereafter be kept in either of such places, as the said court in such district shall direct.

Suitors, &c. how far privileged from arrest.

SEC. 40. *And be it further enacted*, That the privilege from arrest of every person going to, attending at, or returning from, any court of the United States, shall be computed and continue, from the time of his or her departure from his or her habitation, until his or her return there-to: *Provided*, that such time shall not exceed one day, Sundays excluded, for every twenty miles of the distance, which such person must necessarily travel in so going and returning, over and above the time of attendance.

Salaries of judges.

SEC. 41. *And be it further enacted*, That each of the circuit judges of the United States, to be appointed by virtue of this act, shall be allowed as a compensation for his services, an annual salary of two thousand dollars, to be paid quarter-yearly at the treasury of the United States; except the judges of the sixth circuit, who shall be allowed the sum of fifteen hundred dollars each, to be paid in like manner; and that the salaries of the district judges of Kentucky and Tennessee shall be, and hereby are, severally augmented to the like sum of fifteen hundred dollars, annually, to be paid in like manner.

APPROVED, February 13, 1801.

STATUTE II.

Feb. 18, 1801.

CHAP. V.—*An Act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia.*(a)

Survey of lands for the refugees from Canada, &c. to be made.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the surveyor-general be, and he is hereby directed to cause those fractional townships of the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second ranges of townships, which join the southern boundary line of the military lands, to be subdivided into half sections, containing three hundred and twenty acres each; and to return a survey and description of the same to the Secretary of the Treasury, on or before the first Monday of December next; and that the said lands be, and they are hereby set apart and reserved for the purpose of satisfying the claims of persons entitled to lands under the act, intituled

(a) Act of April 7, 1798, chap. 26; act of March 3, 1803, chap. 38; act of April 29, 1816, chap. 153.

"An act for the relief of the refugees from the British provinces of Canada and Nova Scotia."

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall, within thirty days after the survey of the lands shall have been returned to him as aforesaid, proceed to determine, by lot to be drawn in the presence of the secretaries of state and of war, the priority of location of the persons entitled to lands as aforesaid. The persons, thus entitled, shall severally make their locations on the second Tuesday of January next, and the patents for the lands thus located shall be granted in the manner directed for military lands, without requiring any fee whatever.

How locations shall be made.

Patents to be granted.

SEC. 3. *And be it further enacted*, That the following persons, claiming lands under the above-mentioned act, shall respectively be entitled to the following quantities of land; that is to say: Martha Walker, widow of Thomas Walker, John Edgar, P. Francis Cazeau, John Allan, and Seth Harding, respectively, two thousand two hundred and forty acres each; Jonathan Eddy, Colonel James Livingston, and Parker Clark, respectively, one thousand two hundred and eighty acres each; and the heirs of John Dodge, one thousand two hundred and eighty acres; Thomas Faulkner, Edward Faulkner, David Gay, Martin Brooks, Lieutenant-colonel Bradford, Noah Miller, Joshua Lamb, Atwood Fales, John Starr, William How, Ebenezer Gardner, Lewis F. Delesdernier, John McGown, and Jonas C. Minot, respectively, nine hundred and sixty acres each; and the heirs of Simeon Chester, nine hundred and sixty acres; Jacob Vander Heyden, John Livingston, James Crawford, Isaac Danks, Major B. Von Heer, Benjamin Thompson, Joseph Bindon, Joseph Levittre, Lieutenant William Maxwell, John D. Mercier, James Price, Seth Noble, Martha Bogart, relict of Abraham Bogart, and formerly relict of Daniel Tucker, and John Halsted, respectively, six hundred and forty acres each; David Jenks, Ambrose Cole, James Cole, Adam Johnson, the widow and heirs of Colonel Jeremiah Duggan, Daniel Earl, junior, John Paskell, Edward Chinn, Joseph Cone, and John Torreyre, respectively, three hundred and twenty acres each; Samuel Fales, one hundred and sixty acres; which several tracts of land shall, except the last, be located in half sections by the respective claimants.

Quantities of land assigned to the refugees, nominally.

APPROVED, February 18, 1801.

STATUTE II.

CHAP. VI.—*An Act making the Port of Biddeford and Pepperrelborough, and the Port of New Bedford, in Massachusetts, ports of entry for ships or vessels, arriving from the Cape of Good Hope, and from places beyond the same.*

Feb. 18, 1801.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port of Biddeford and Pepperrelborough, and the port of New Bedford, in the commonwealth of Massachusetts, be, and they are hereby made, ports of entry for ships or vessels arriving from the Cape of Good Hope, and from places beyond the same.

Biddeford and Pepperrelborough ports of entry.

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APPROVED, February 18, 1801.

STATUTE II.

CHAP. VII.—*An Act to establish the district of Bristol, and to annex the towns of Kittery and Berwick to the district of Portsmouth.*

Feb. 25, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirty-first day of March next, the towns of Bristol, Warren and Barrington, in the state of Rhode Island and Providence Plantations, and all the shores and waters around the same, within the following

District of Bristol established.

limits, viz. a line beginning at the middle of the bay, between Mount Hope and Common Fence Point, running southwesterly through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode Island to Prudence Island, from thence northwardly on a straight line to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point, shall be a district, to be called the district of Bristol, of which the port of Bristol shall be the sole port of entry, and a collector for said district shall be appointed to reside at Bristol, and Warren and Barrington shall be ports of delivery only, and a surveyor shall be appointed to reside at each of the ports of Bristol and Warren; and the surveyor at Warren shall also be surveyor for the port of Barrington.

Collector to reside at Bristol.

1799, ch. 22, sec. 3.

Vessels from or beyond the Cape of Good Hope may enter at its ports.

Kittery and Berwick annexed to Portsmouth.

SEC. 2. *And be it further enacted*, That said port of Bristol shall also be a port of entry, for all ships or vessels arriving from the Cape of Good Hope, or places beyond the same.

SEC. 3. *And be it further enacted*, That from and after the said thirty-first day of March next, the towns of Kittery and Berwick, in the state of Massachusetts, shall be annexed to the district of Portsmouth, in New Hampshire, as ports of delivery only: *Provided*, that nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, having merchandise on board, destined for either of the said places, from making entry at his option, with the collector of the district of York, and obtaining permits for the delivery thereof as heretofore.

APPROVED, February 25, 1801.

STATUTE II.

Feb. 25, 1801.

Letters to John Adams to be free of postage.

Act of March 3, 1801, ch. 35, sec. 3.

CHAP. IX.—*An Act freeing from postage all letters and packets to John Adams.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to John Adams, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

APPROVED, February 25, 1801.

STATUTE II.

Feb. 25, 1801.

Repealed by Act of April 6, 1802, ch. 19.

Act of Nov. 5, 1794, and Act of June 9, 1794, continued in force to March 4, 1801.

CHAP. XI.—*An Act to continue in force the acts laying duties on licenses for selling wines, and foreign distilled spirits by retail, and so much of the act laying certain duties on snuff and refined sugar as respects a duty on refined sugar, on property sold at auction, and on carriages for the conveyance of persons.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, intituled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail;" and that so much of an act passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, intituled "An act laying certain duties upon snuff and refined sugar," as respects a duty upon refined sugar, and that an act passed on the ninth day of June, in the year one thousand seven hundred and ninety-four, intituled "An act laying duties on property sold at auction," and which acts were, by an act, passed on the third day of March, in the year one thousand seven hundred and ninety-five, continued in force until the first day of March, in the year one thousand eight hundred and one, shall be, and the same are hereby continued in force without limitation of time; any thing in any former act to the contrary notwithstanding.

1794, ch. 65.

"Act laying duties upon car-

SEC. 2. *Be it further enacted*, That so much of the thirteenth section of an act, passed on the twenty-eighth day of May in the year

one thousand seven hundred and ninety-six, intituled "An act laying duties upon carriages for the conveyance of persons, and repealing the former act for that purpose," as limits the duration of said act, shall be and the same is hereby repealed, and said act is hereby continued in force, without limitation of time.

APPROVED, February 25, 1801.

riages," &c. continued without limitation. May 28, 1796, ch. 37.

STATUTE II.

CHAP. XII.—*An Act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer.*

Feb. 27, 1801.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and is hereby granted and declared, to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore from a foreign voyage, for the purposes in said act intended.

SEC. 2. *And be it further enacted,* That this act shall be in force for three years, from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, February 27, 1801.

Continued by Act of March 1, 1805, ch. 19.

STATUTE II.

CHAP. XIII.—*An Act to allow the transportation of goods, wares and merchandise, to and from Philadelphia and Baltimore, by the way of Appoquinimink and Sassafras.*

Feb. 27, 1801.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any goods, wares and merchandise, which lawfully might be transported to or from the city of Philadelphia and Baltimore, by the way of Elkton, Bohemia or Frenchtown, and Port Penn, Appoquinimink, New Castle, Christiana Bridge, Newport or Wilmington, shall and may lawfully be transported, to and from the city of Philadelphia and Baltimore, by the way of Appoquinimink and Sassafras river, and shall be entitled to all the benefits and advantages, and shall be subject to all the provisions, regulations, limitations and restrictions, existing in the case of goods, wares and merchandise, transported by any of the routes before mentioned.

Goods imported into Baltimore or Philadelphia may be transported by Appoquinimink and Sassafras rivers.

1799, ch. 22.

APPROVED, February 27, 1801.

STATUTE II.

CHAP. XV.—*An Act concerning the District of Columbia.*(a)

Feb. 27, 1801.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the

Laws of Virginia and Mary-

(a) District of Columbia. The acts for the government and administration of justice in the District of Columbia, are:

1. An act for establishing the temporary and permanent seat of the government of the United States, July 16, 1790, chap. 28.
2. An act supplementary to an act entitled, "An act concerning the District of Columbia," March 3, 1801, chap. 24.
3. An act concerning the District of Columbia, February 27, 1801, chap. 15.
4. An act additional to an act amendatory of an act entitled, "An act concerning the District of Columbia," May 3, 1802, chap. 53.
5. An act to amend the judicial system of the United States, April 29, 1802, chap. 31, sec. 24.
6. An act for the relief of insolvent debtors within the District of Columbia, March 3, 1803, chap. 20.
7. An act to extend the jurisdiction of justices of the peace in the recovery of debts, in the District of Columbia, March 1, 1823, chap. 23.
8. An act respecting the adjournment of the circuit court of the District of Columbia, March 3, 1825.

land continued in force in the district.

laws of the state of Virginia, as they now exist, shall be and continue in force in that part of the District of Columbia, which was ceded by the said state to the United States, and by them accepted for the permanent seat of government; and that the laws of the state of Maryland,

9. An act altering the times of holding the circuit courts in the District of Columbia, May 20, 1826, chap. 131.

10. An act to establish a criminal court in the District of Columbia, July 7, 1838, chap. 192.

11. An act to restrain the circulation of small notes as a currency in the District of Columbia, and for other purposes, July 7, 1838, chap. 212.

12. Resolution directing the manner in which certain laws of the District of Columbia shall be executed, March 2, 1839.

13. An act for granting possessions, enrolling conveyances and securing the estates of purchasers within the District of Columbia, May 31, 1832, chap. 112.

14. An act changing the times of holding the courts in the District of Columbia, May 31, 1832, chap. 114. Act of February 30, 1839, chap. 30.

The decisions of the courts of the United States upon this and other statutes relating to the District of Columbia, and other questions arising in the district, have been :

The act of Congress of 27 February, 1801, concerning the District of Columbia, directs that writs of error shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had thereon, as is or shall be provided in case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit courts of the United States. *United States v. Hooe et al.*, 1 Cranch, 318; 1 Cond. Rep. 322.

By the separation of the District of Columbia from the state of Maryland, the residents in that part of Maryland which became a part of the district ceased to be citizens of the state. *Reilly, Appellant v. Lamar et al.*, 2 Cranch, 344; 1 Cond. Rep. 419.

A citizen of the District of Columbia, could not be discharged by the insolvent law of Maryland, out of the district. *Ibid.*

A citizen of the District of Columbia, cannot maintain an action in the circuit court of the United States, out of the district; he not being a citizen of a state within the meaning of the provision in the law of the United States, regulating the jurisdiction of the courts of the United States. *Hepburn and Dundas v. Ellzey*, 2 Cranch, 445; 1 Cond. Rep. 444.

A justice of the peace, in the District of Columbia, is an officer of the government of the United States; and is exempt from militia duty. *Wise v. Withers*, 3 Cranch, 331; 1 Cond. Rep. 552.

Under the sixth and eighth sections of the act of assembly of Virginia, of the 22d of December, 1794, property pledged to the Mutual Assurance Society, &c. continues liable for assessments, on account of the losses insured against, in the hands of a bona fide purchaser, without notice. *The Mutual Assurance Society v. Watts' Ex'rs*, 1 Wheat. 279; 3 Cond. Rep. 570.

A mere change of sovereignty produces no change in the state of rights existing in the soil; and the cession of the District of Columbia to the national government did not affect the lien created by the above act on real property situate in the town of Alexandria; though the personal character or liability of a member of the society could not be thereby forced on a purchaser of such property. *Ibid.*

Congress has authority to impose a direct tax on the District of Columbia, in proportion to the census directed to be taken by the constitution. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

Congress, when legislating for the District of Columbia, under the fifth section of the first article of the constitution, is still the legislature of the Union, and its acts are the laws of the United States. *Cohens v. Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90.

An act of the legislature of Maryland, passed the 19th of December, 1791, entitled "An act concerning the territory of Columbia, and the city of Washington," which, by the 6th section, provides for the holding of lands by "foreigners," is an enabling act; and applies to those only who could not take lands without the provisions of that law. It enables a "foreigner" to take in the same manner as if he were a citizen. *Spratt v. Spratt*, 1 Peters, 349.

A foreigner who becomes a citizen, is no longer a foreigner, within the view of the act. Thus, after purchase, lands vested in him as a citizen; not by virtue of the act of the legislature of Maryland, but because of his acquiring the rights of citizenship. *Ibid.*

Land in the county of Washington, and District of Columbia, purchased by a foreigner, before naturalization, was held by him under the law of Maryland, and might be transmitted to the relations of the purchasers, who were foreigners: and the capacity so to transmit those lands, is given, absolutely, by this act, and is not affected by his becoming a citizen; but passes to his heirs and relations, precisely as if he had remained a foreigner. *Ibid.*

The supreme court of the United States has jurisdiction of appeals from the orphans' court, through the circuit court for the county of Washington, by virtue of the act of Congress of February 13, 1801; and by the act of Congress subsequently passed, the matter in dispute, exclusive of costs, must exceed the value of one thousand dollars, in order to entitle the party to an appeal. *Nicholls et al. v. Hodges' Ex'rs*, 1 Peters, 565.

The statute of Elizabeth is in force in the District of Columbia. *Cathcart et al. v. Robinson*, 5 Peters, 264.

The levy court of Washington county is not entitled to one half of all the fines, penalties, and forfeitures imposed by the circuit court in cases at common law, and under the acts of Congress, as well as the acts of assembly of Maryland, adopted by Congress as the law of the District of Columbia. *Levy Court of Washington v. Ringgold*, 5 Peters, 451.

The supreme court of the United States has no jurisdiction of causes brought before it, upon a certificate of division of opinion of the judges of the circuit court for the District of Columbia. The appellate jurisdiction, in respect to that court, extends only to its final judgments and decrees. *Ross v. Triplett*, 3 Wheat. 600; 4 Cond. Rep. 351.

By the insolvent law of Maryland, of January 3, 1800, the chancellor of Maryland could not discharge one who was an inhabitant of the District of Columbia, after the separation from Maryland, unless previous

as they now exist, shall be and continue in force in that part of the said district, which was ceded by that state to the United States, and by them accepted as aforesaid.

SEC. 2. *And be it further enacted*, That the said district of Columbia shall be formed into two counties; one county shall contain all that part of said district, which lies on the east side of the river Potomac, together with the islands therein, and shall be called the county of Washington; the other county shall contain all that part of said district, which lies on the west side of said river, and shall be called the county of Alexandria; and the said river in its whole course through said district shall be taken and deemed to all intents and purposes to be within both of said counties.

It shall be formed into two counties.

Washington county.

Alexandria county.

SEC. 3. *Be it further enacted*, That there shall be a court in said district, which shall be called the circuit court of the district of Columbia; and the said court and the judges thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States. Said court shall consist of one chief judge and two assistant judges resident within said district, to hold their respective offices during good behaviour; any two of whom shall constitute a quorum; and each of the said judges shall, before he enter on his office, take the oath or affirmation provided by law to be taken by the

Circuit court established in it.

To consist of one chief judge and two assistant judges.

to that separation he had entitled himself to a discharge by performing all the requisites of the act. *Reilly v. Lamar et al.* 2 Cranch, 344; 1 Cond. Rep. 419.

No appeal or writ of error lies, in a criminal case, from the judgment of the circuit court of the District of Columbia, to the supreme court of the United States: the appellate jurisdiction given by the act of Congress, is confined to civil cases. *United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480.

There is, in the District of Columbia, no division of powers between the general and the state governments. Congress has the entire control over the district, for every purpose of government: and it is reasonable to suppose that, in organizing a judicial department in the district, all the judicial power, necessary for the purpose of government, would be vested in the courts of justice. *Kendall, Postmaster General v. The United States*, 12 Peters, 524.

The circuit court of the United States, for the District of Columbia, has a right to award a mandamus to the postmaster-general of the United States, requiring him to pass to the credit of certain contractors for conveying the mail of the United States, a sum found to be due to them by the solicitor of the treasury of the United States, the solicitor acting under the special provisions of an act of Congress. *Ibid.*

There can be no doubt, that, in the state of Maryland, a writ of mandamus might be issued to an executive officer, commanding him to perform a ministerial act, required of him by the laws: and if it would lie in that state, there can be no good reason why it should not lie in the District of Columbia, in analogous cases. *Ibid.*

The powers of the supreme court of the United States, and of the circuit courts of the United States, to issue writs of mandamus, granted by the fourteenth section of the judiciary act of 1789, is only for the purpose of bringing the case to a final judgment or decree, so that it may be reviewed. The mandamus does not direct the inferior court how to proceed, but only that it must proceed, according to its own judgment, to a final determination; otherwise it cannot be reviewed in the appellate court. It is different in the circuit court of the District of Columbia, under the adoption of the laws of Maryland, which included the common law. *Ibid.*

The power of the circuit court of the District of Columbia, to exercise the jurisdiction to issue a writ of mandamus to a public officer, to do an act required of him by law, results from the third section of the act of Congress of February 27, 1804; which declares that the court and judges thereof shall have all the powers by law vested in the circuit courts of the United States. The circuit courts referred to, were those established by the act of February 13, 1801. The repeal of that law, fifteen months afterwards, and after that law had gone into operation, under the act of February 27, 1801, could not in any manner affect that law, any further than was provided by the repealing act. *Ibid.*

The circuit courts of the United States, sitting in the states of the Union, have no jurisdiction in a case in which a citizen of the District of Columbia is plaintiff. *Westcott's Lessee v. Inhabitants, &c. Peters' C. C. R. 45.*

The act of Congress of June, 1822, authorizes any person to whom administration has been granted by the states of the United States, to prosecute claims by suits in the District of Columbia, in the same manner as if the same had been granted by proper authority, in the District of Columbia, to such persons. The power is limited by its terms to the institution of suits, and does not authorize suits against an executor or administrator. The effect of this law was to make all debts due by persons in the District of Columbia, not local assets, for which the administrator was bound to account in the courts of the district, but general assets which he had full authority to receive, and for which he was bound to account in the courts of the state from which he derived his letters of administration. *Vaughan et al. v. Northup et al.*, 15 Peters' Rep. 1.

The courts of the United States in the District of Columbia, have a like jurisdiction upon personal property, with the courts in England, and in the states of the Union; and in the absence of statutory provisions, in the trial of them they must apply the same common law principle which regulates the mode of bringing such actions, the pleadings and the proof. *McKenna v. Fiske*, 17 Peters' Rep. 245.

judges of the circuit courts of the United States; and said court shall have power to appoint a clerk of the court in each of said counties, who shall take the oath and give a bond with sureties, in the manner directed for clerks of the district courts in the act to establish the judiciary of the United States.

Sessions of the court in Washington county,

in Alexandria county.

Subjects for the cognizance of the court.

Where local actions shall be commenced.

No suits to be brought, but against inhabitants or persons found in the district.

A marshal to be appointed for the district.

Writs of error and appeal.

An attorney to be appointed.

Allowances to the attorney, marshal and clerks.

SEC. 4. *Be it further enacted*, That said court shall, annually, hold four sessions in each of said counties, to commence as follows, to wit: for the county of Washington, at the city of Washington, on the fourth Mondays of March, June, September and December; for the county of Alexandria, at Alexandria, on the second Mondays of January, April, July, and the first Monday of October.

SEC. 5. *Be it further enacted*, That said court shall have cognizance of all crimes and offences committed within said district, and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district, and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States.

SEC. 6. *Provided, and be it further enacted*, That all local actions shall be commenced in their proper counties, and that no action or suit shall be brought before said court, by any original process against any person, who shall not be an inhabitant of, or found within said district, at the time of serving the writ.

SEC. 7. *Be it further enacted*, That there shall be a marshal for the said district, who shall have the custody of the gaols of said counties, and be accountable for the safe keeping of all prisoners legally committed therein; and he shall be appointed for the same term, shall take the same oath, give a bond with sureties in the same manner, shall have generally, within said district, the same powers, and perform the same duties, as is by law directed and provided in the case of marshals of the United States.

SEC. 8. *Be it further enacted*, That any final judgment, order or decree in said circuit court, wherein the matter in dispute, exclusive of costs, shall exceed the value of one hundred dollars, may be re-examined and reversed or affirmed in the supreme court of the United States, by writ of error or appeal,^(a) which shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had therein, as is or shall be provided in the case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit court of the United States.

SEC. 9. *Be it further enacted*, That there shall be appointed an attorney of the United States for said district, who shall take the oath and perform all the duties required of the district attorneys of the United States; and the said attorney, marshal and clerks, shall be entitled to receive for their respective services, the same fees, perquisites and emoluments, which are by law allowed respectively to the attorney, marshal and clerk of the United States, for the district of Maryland.

SEC. 10. *Be it further enacted*, That the chief judge, to be appointed by virtue of this act, shall receive an annual salary of two thou-

(a) By an act entitled, "An act to limit the right of appeal from the circuit court of the United States for the District of Columbia, passed April 2, 1816, chap. 39, it is provided that no cause shall be removed from the circuit court of the District of Columbia, unless the matter in dispute in the cause shall be of the value of one thousand dollars and upwards. But when a party in a cause shall deem himself aggrieved by any final judgment or decree of the said circuit court, where the matter in dispute shall be of the value of \$100, and of less value than \$1000, on a petition to a justice of the supreme court, if the said justice shall be of opinion that errors in the proceedings of the court involve questions of law of such extensive interest and operation as to render the final judgment of the supreme court desirable, the case may be removed at the discretion of the said justice.

sand dollars, and the two assistant judges, of sixteen hundred dollars each, to be paid quarterly, at the treasury of the United States. (a)

SEC. 11. *Be it further enacted*, That there shall be appointed in and for each of the said counties, such number of discreet persons to be justices of the peace, as the President of the United States shall from time to time think expedient, to continue in office five years; and such justices, having taken an oath for the faithful and impartial discharge of the duties of the office, shall, in all matters, civil and criminal, and in whatever relates to the conservation of the peace, have all the powers vested in, and shall perform all the duties required of, justices of the peace, as individual magistrates, by the laws herein before continued in force in those parts of said district, for which they shall have been respectively appointed; and they shall have cognizance in personal demands to the value of twenty dollars, exclusive of costs; which sum they shall not exceed, any law to the contrary notwithstanding; and they shall be entitled to receive for their services the fees allowed for like services by the laws herein before adopted and continued, in the eastern part of said district.

SEC. 12. *And be it further enacted*, That there shall be appointed in and for each of the said counties, a register of wills, and a judge to be called the judge of the orphans' court, who shall each take an oath for the faithful and impartial discharge of the duties of his office; and shall have all the powers, perform all the duties, and receive the like fees, as are exercised, performed, and received, by the registers of wills and judges of the orphans' court, within the state of Maryland; and appeals from the said courts shall be to the circuit court of said district, who shall therein have all the powers of the chancellor of the said state.

SEC. 13. *And be it further enacted*, That in all cases where judgments or decrees have been obtained, or hereafter shall be obtained, on suits now depending in any of the courts of the commonwealth of Virginia, or of the state of Maryland, where the defendant resides or has property within the district of Columbia, it shall be lawful for the plaintiff in such case upon filing an exemplification of the record and proceedings in such suits, with the clerk of the court of the county where the defendant resides, or his property may be found, to sue out writs of execution thereon, returnable to the said court, which shall be proceeded on, in the same manner as if the judgment or decree had originally been obtained in said court.

SEC. 14. *And be it further enacted*, That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in the courts of Hustings for the towns of Alexandria and Georgetown, shall be, and hereby are continued over to the circuit courts to be holden by virtue of this act, within the district of Columbia, in manner following; that is to say: all such as shall then be depending and undetermined, before the court of Hustings for the town of Alexandria, to the next circuit court hereby directed to be holden in the town of Alexandria; and all such as shall then be depending and undetermined, before the court of Hustings for Georgetown, to the next circuit court hereby directed to be holden in the city of Washington: *Provided nevertheless*, that where the personal demand in such cases, exclusive of costs, does not exceed the value of twenty dollars, the justices of the peace within their respective counties, shall have cognizance thereof.

SEC. 15. *And be it further enacted*, That all writs and processes whatsoever, which shall hereafter issue from the courts hereby established

Compensation of the judges.

Justices of the peace to be appointed.

Their jurisdiction.

Registers of wills and judges of the orphans' court to be appointed.

Act of May 19, 1828, ch. 59.

How to obtain execution within the district, upon judgments already rendered in courts of Maryland and Virginia.

Suits in the courts of Hustings for Alexandria and Georgetown continued to the circuit court.

Test of writs.

(a) An act concerning the District of Columbia, February 27, 1801, chap. 15; an act to increase the salaries of the judges of the circuit court for the District of Columbia, March 3, 1811; an act to increase the salaries of the judges of the circuit court for the District of Columbia, April 20, 1818; an act concerning the orphans' court of Alexandria county, in the District of Columbia, May 19, 1828, chap. 59.

within the district, shall be tested in the name of the chief judge of the district of Columbia.

Saving of the rights of corporations.

SEC. 16. *And be it further enacted*, That nothing in this act contained shall in any wise alter, impeach or impair the rights, granted by or derived from the acts of incorporation of Alexandria and Georgetown, or of any other body corporate or politic, within the said district, except so far as relates to the judicial powers of the corporations of Georgetown and Alexandria.

APPROVED, February 27, 1801.

STATUTE II.

March 2, 1801.

[Obsolete.]

Act of May 7, 1800, ch. 41.

Certain suits revived.

CHAP. XVI.—*An Act supplementary to an act, intituled "An act to divide the territory of the United States northwest of the Ohio, into two separate governments."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all suits, and process and proceedings, which, on the third day of July, one thousand eight hundred, were pending in any court of either of the counties, which by the act intituled "An act to divide the territory of the United States northwest of the Ohio, into two separate governments," has been included within the Indiana territory; and that all suits, process and proceedings, which, on the aforesaid third day of July, were pending in the general court of the territory of the United States northwest of the Ohio, in consequence of any writ of removal or order for trial at bar, had been removed from either of the counties now within the limits of the Indiana territory aforesaid, shall be and they are hereby revived and continued; and the same proceedings, before the rendering of final judgment and thereafter, may and shall be had, in the same courts, in all suits and process aforesaid, and in all things concerning the same, as by law might have been had in case the said territory of the United States northwest of the Ohio had remained undivided.

APPROVED, March 2, 1801.

STATUTE II.

March 2, 1801.

[Repealed.]

District of Massac.

CHAP. XVII.—*An Act to add to the district of Massac, on the Ohio, and to discontinue the district of Palmyra in the state of Tennessee, and therein to amend the act, intituled "An act to regulate the collection of duties on imports and tonnage."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district of Massac, in addition to the territory it already possesses, shall include all waters, shores, and inlets, now included within the district of Palmyra, and all rivers, waters, shores and inlets, lying within the state of Tennessee.

District of Palmyra.
Section 16,
Act of March 2,
1799, repealed.

SEC. 2. *And be it further enacted*, That from and after the thirtieth day of June next, so much of the "Act to regulate the collection of duties on imports and tonnage," as establishes the district of Palmyra in the state of Tennessee, shall be repealed, except as to the recovery and receipts of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the recovery and distribution of fines, penalties and forfeitures, which shall have been incurred before and on the said day.

APPROVED, March 2, 1801.

STATUTE II.

March 2, 1801.

[Obsolete.]

CHAP. XVIII.—*An Act making appropriations for the Military establishment of the United States, for the year one thousand eight hundred and one.*

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

expenses of the military establishment of the United States, for the year one thousand eight hundred and one, the pay and subsistence of the officers and men, bounties and premiums, the clothing, hospital, ordnance, quartermaster's and Indian departments, the defensive protection of the frontiers, the contingent expenses of the war department, for the fabrication of cannon and arms, and purchase of ammunition, and for the payment of military pensions, the sum of two millions, ninety-three thousand and one dollars, be, and is hereby appropriated; that is to say,

Appropriations for the military establishment and the Indian annuities.

For the pay of the army of the United States, four hundred and eighty thousand three hundred and ninety-six dollars.

For the subsistence of the army, three hundred and six thousand three hundred and ninety-five dollars.

For forage, the sum of seven thousand six hundred and eighty dollars.

For horses to replace those which may die, or become unfit for service, the sum of five thousand dollars.

For clothing, the sum of one hundred and forty-one thousand five hundred and thirty dollars.

For bounties and premiums, the sum of forty-two thousand dollars.

For the hospital department, the sum of twenty thousand dollars.

For the ordnance department, the sum of one hundred thousand dollars.

For the quartermaster's department, the sum of one hundred and sixty-five thousand dollars.

For paying annuities to the following nations of Indians, in pursuance of treaties: to the Six Nations, Cherokees, Chickasaws and Creeks, the sum of fifteen thousand dollars; and for presents to the Choctaws, two thousand dollars.

For defraying the expense of the transportation of annuities to the Indian tribes, ten thousand dollars.

For promoting civilization among the Indian tribes, and pay of temporary agents, and rations to Indians at the different military posts, the sum of forty-five thousand dollars.

For the defensive protection of the frontiers of the United States, including the erection and repairs of forts and fortifications, the sum of thirty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes; advertising and apprehending deserters, printing, purchasing maps, and other contingencies, the sum of thirty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions, from the fifth of March, one thousand eight hundred and one, to the fourth of March, one thousand eight hundred and two, the sum of ninety-three thousand dollars.

For the fortification of ports and harbors within the United States, the sum of two hundred thousand dollars. For the fabrication of cannon and small arms, and the purchase of ammunition, being the balance of appropriations unexpended which have been carried to the surplus fund, four hundred thousand dollars.

SEC. 2. *And be it further enacted*, That the foregoing appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1801.

STATUTE II.

CHAP. XIX.—*An Act to amend the act intituled "An act to establish a general Stamp Office."*

March 3, 1801.

[Repealed.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person or persons shall pay to a collector of the revenue, the duty

April 6, 1802,
ch. 19.
Mode of obtaining a stamp

to an instrument
not stamped.

Act of April
23, 1800, ch. 31.

Act of April
23, 1800.
Repeal of part
of the former
act.

chargeable by law on a deed, instrument or writing, on which the stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain the endorsement and receipt of such collector, upon such deed, instrument or writing therefor, agreeably to the provisions of an act, intituled "An act to establish a general stamp office," passed on the twenty-third day of April, in the year one thousand eight hundred, it shall be lawful for such person or persons to produce such deed, instrument or writing, to the supervisor of the revenue within whose district such person or persons shall reside; which supervisor thereupon shall certify under his hand and seal, and upon some part of the said deed, instrument or writing, that the same, so endorsed, has been produced to him, and that the said endorsement is, in his belief, genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument or writing; shall be to all intents and purposes as valid and available as if the same had been or were stamped, counterstamped, or marked as by law required; any thing in any act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the act, intituled "An act to establish a general stamp office," as requires certain duties to be performed by the surveyors of the revenue, shall be, and the same is hereby repealed.

APPROVED, March 3, 1801.

STATUTE. II.

March 3, 1801.

[Obsolete.]

The President
may cause to be
sold certain of
the public ves-
sels.

Six of the fri-
gates to be re-
tained in con-
stant service.

Residue of the
frigates laid up.

Component
parts of a ration
after the reduc-
tion of the Navy.

CHAP. XX.—*An Act providing for a Naval peace establishment, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized, whenever the situation of public affairs shall in his opinion render it expedient, to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, all or any of the ships and vessels belonging to the navy, except the frigates United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New York, Boston, Essex, Adams, John Adams, and General Greene; and also to lay up all the frigates thus to be retained, except such as are directed by this act to be kept in constant service in time of peace.

SEC. 2. *And be it [further] enacted*, That six of the frigates to be retained shall be kept in constant service in time of peace, and shall be officered and manned as the President of the United States may direct, not to exceed, however, two thirds of the present complement of seamen, and ordinary seamen; the residue of the frigates to be retained shall be laid up in convenient ports, and there shall be permanently attached to each frigate so laid up, one sailing-master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal of marines, and eight marines; and to the large frigates twelve, and to the small frigates ten seamen; the sailing-master shall have the general care and superintendance of the ship; and shall generally execute such duties of a purser as may be necessary.

SEC. 3. *And be it [further] enacted*, That from and after the day when the reduction of the navy shall take place as aforesaid, the navy ration shall consist of as follows: on Sunday, fourteen ounces of bread, one and a quarter pound of beef, half a pound of flour, one quarter of a pound of suet, one half pint of distilled spirits; Monday, fourteen ounces of bread, one pound of pork, half pint of pease, one half pint of distilled spirits; Tuesday, fourteen ounces of bread, one pound of beef, two ounces of cheese, one half pint of distilled spirits; Wednes-

(a) Act of March 27, 1804, chap. 53; act of April 21, 1806, chap. 35.

day, fourteen ounces of bread, one pound of pork, half pint of rice, one half pint of distilled spirits; Thursday, fourteen ounces of bread, one and a quarter pound of beef, half pound of flour, quarter pound of suet, one half pint of distilled spirits; Friday, fourteen ounces of bread, four ounces of cheese, two ounces of butter, half pint of rice, half pint of molasses, one half pint of distilled spirits; Saturday, fourteen ounces of bread, one pound of pork, half pint of pease, half pint of vinegar, one half pint of distilled spirits.

SEC. 4. *Be it further enacted*, That the President of the United States retain in the navy service in time of peace, nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the six frigates to be kept in service; and that he be authorized to discharge all the other officers in the navy service of the United States, but such of the aforesaid officers as shall be retained in the service shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service.

Number of officers to be retained.

SEC. 5. *Be it further enacted*, That all the commissioned and warrant officers, who shall be discharged as aforesaid, shall be entitled to receive four months pay over and above what may be due to them respectively at the time of their discharge.

Four months extra pay allowed to those who are discharged. Repealed April 21, 1806.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXI.—*An Act concerning the Mint.*(a)

March 3, 1801.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mint shall remain in the city of Philadelphia, until the fourth day of March, in the year one thousand eight hundred and three.

To remain at Philadelphia.

SEC. 2. *And be it further enacted*, That during the continuance of the mint at the city of Philadelphia, the duties now enjoined on the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States, by the eighteenth section of the act, intitled "An Act establishing a mint, and regulating the coins of the United States," passed the second day of April, one thousand seven hundred and ninety-two, shall be performed by the district judge of Pennsylvania, the attorney for the United States in the district of Pennsylvania, and the commissioner of loans for the state of Pennsylvania.

Act of March 3, 1803, ch. 36.
Act of April 1, 1808, ch. 41.
Act of Dec. 2, 1812, ch. 2.
Act of Jan. 14, 1818, ch. 4.

Act of March 3, 1823, ch. 42.
Certain duties to be performed by the district judge and attorney of Pennsylvania and the commissioner of loans.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXII.—*An Act authorizing the Secretary of the Treasury to employ Clerks for completing the abstracts of the valuation of lands and dwelling-houses, and the enumeration of slaves.*

March 3, 1801.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to employ clerks, for such compensation as he shall judge reasonable, to complete the abstracts of the valuation of lands and dwelling-houses, and the enume-

[Obsolete.]

(a) The 2d section of the act of March 3, 1823, chap. 42, provides that the duty of attending to the examination of the coins at the mint, shall be performed by the collector of the port of Philadelphia, instead of the commissioner of loans.

By the 32d section of the act supplementary to an act entitled, "An act establishing a mint, and regulating the coins of the United States," passed January 18, 1837, chap. 1, the annual trial of the gold and silver coins of the United States, is required to be made before the district judge of Pennsylvania, the attorney of the United States for the district of Pennsylvania, and collector of the port of Philadelphia, and such other persons as the President of the United States shall, for that purpose, designate.

ration of slaves within the United States, under the direction of the commissioners authorized to direct the completing of such abstracts, in those states where clerks cannot be procured by the commissioners, for the compensation allowed by law to clerks for performing that business, agreeably to the provisions of the following acts; that is to say, an act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States;" an act, intituled "An act supplementary to the act, intituled 'An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States;'" and an act, intituled "An act to provide for equalizing the valuation of unseated lands."

APPROVED, March 3, 1801.

STATUTE II.

March 3, 1801.

Act of March 2, 1799, ch. 29.

Act of May, 1802, ch. 44.

Right of pre-emption given to certain persons who have contracted with J. C. Symmes, &c.

CHAP. XXIII.—*An Act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person or persons, and the legal representative or representatives of any person or persons, who, before the first day of January, in the year of our Lord one thousand eight hundred, had made any contract or contracts in writing, or by any note or memorandum thereof in writing, either with John Cleves Symmes, or with any of his associates, or who had made to him or them, any payment of money for the purchase of lands, situate between the Miami rivers, within the limits of a survey made by Israel Ludlow, in conformity to an act of Congress of the twelfth of April, one thousand seven hundred and ninety-two, and not comprehended within the limits of a tract of land, conveyed to John Cleves Symmes and his associates, by letters patent, bearing date the thirtieth of September, one thousand seven hundred and ninety-four, in the territory of the United States northwest of the Ohio, shall be entitled to a preference, in becoming the purchasers, from the United States, of all the lands so contracted for, at the price of two dollars per acre, exclusive of the surveying fees, and other incidental expenses; and payment may be made therefor, to the treasurer of the United States, or the receiver of public monies for the lands of the United States at Cincinnati, in like instalments, and under the same conditions, as directed by the act, intituled "An act to amend the act, intituled 'An act providing for the sale of the lands of the United States, in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river.'" *Provided however,* that no interest shall be charged upon any of the instalments until they respectively become payable.

SEC. 2. *And be it further enacted,* That every person, claiming the benefit of the first section of this act, shall, on or before the first day of November next, deliver to the receiver of public monies, for the lands of the United States at Cincinnati, a notice in writing, stating the nature and extent of his claim or contract; and if any person shall neglect to give such notice of his claim or contract, or having given the same, shall neglect to make application for the purchase thereof, as herein after directed, or shall fail in making the first payment before the first of January next, all his right of pre-emption, on the terms aforesaid, shall cease and become void.

SEC. 3. *And be it further enacted,* That the aforesaid receiver of public monies, on being paid the fees herein after provided, shall receive every such notice of claim, or statement thereof, and give a receipt

Persons claiming the benefit of this act to give notice to the receiver of public monies at Cincinnati.

Duty of the receiver herein.

(a) Act of March 3, 1803, chap. 21, sec. 4; act of March 26, 1804, chap. 35.

therefor, and carefully put and preserve on file every such paper or writing, and lay the same before the commissioners, when met, for settling and adjusting the claims aforesaid.

SEC. 4. *And be it further enacted*, That the aforesaid receiver of public monies, and two other persons, who shall be appointed by the President of the United States alone shall be commissioners for the purpose of ascertaining the rights of persons claiming the benefits of this act, who, previous to entering on the duties of their appointment, shall respectively take and subscribe the following oath or affirmation, before some person qualified to administer oaths, to wit: "I — do solemnly swear, or affirm, that I will impartially exercise and discharge the duties imposed on me, by an act of Congress, intituled 'An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio,' to the best of my understanding and ability;" and it shall be the duty of the said commissioners to meet at Cincinnati, between the first and the tenth day of November next, of which meeting three weeks previous notice shall be given by them in a public newspaper printed at Cincinnati; and they, or a majority of them, so met, shall not adjourn to any other place, or for a longer time than three days, until they have finally completed the business of their said appointment; and they, or any two of them, shall have power to hear and decide, in a summary manner, all matters respecting all such claims of which notice may have been filed, pursuant to the third section of this act, also to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination shall be final; and when it shall appear to them, that the claimant is entitled to the right of pre-emption, on the terms aforesaid, they shall give a certificate thereof, stating as accurately as may be, the quantity and local situation of the lands to which he may be entitled, directed to the register of the land-office at Cincinnati, or when the said register may be a claimant, to the surveyor-general, copies of which certificates shall be by them recorded, in a book to be provided for that purpose, and deposited for safe keeping with the register of the land-office.

SEC. 5. *And be it further enacted*, That the aforesaid register and surveyor-general, respectively, upon application of any person or persons, who shall produce a certificate of the commissioners aforesaid, to him directed, before the first day of January next, and shall also produce a receipt from the treasurer of the United States, or the aforesaid receiver of public monies, for at least one fourth part of the purchase money, and also for the payment of three dollars for each half section or smaller quantity, and shall pay him the fees in like case provided by the act, intituled "An act to amend the act, intituled An act providing for the sale of the lands of the United States, in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river," shall admit such person or persons to become a purchaser or purchasers of the land designated in the said certificate, and shall receive the said certificate and preserve it on file, and make an entry of the application in his book, kept for the purpose, and on any of the three last payments being made in advance, he shall allow the purchaser the like discount as is allowed by the fourth clause of the fifth section of the act last above recited; and on payment in full, and a final settlement had, he shall give his certificate thereof; upon producing which to the Secretary of the Treasury, a patent shall issue in like manner as is provided by the said act last above recited.

SEC. 6. *And be it further enacted*, That the said receiver of public monies shall be entitled to have and receive, to his own use, from the respective claimants, the following fees, that is to say: for filing a notice

And also of the two commissioners to be appointed.

Duty of the Surveyor General and Register at Cincinnati.

Act of May 10, 1800, ch. 55.

Fees allowed to the receiver and commissioners.

and evidence of claim, or statement thereof, twenty-five cents; for giving a copy thereof, twelve and a half cents for every one hundred words. And the said commissioners shall, as a full compensation for their services, be entitled, jointly, to have and receive from the respective claimants, that is to say: for every determination, and entering the result in their book, at the rate of three dollars for every section; for every certificate, and recording the same, at the rate of one dollar for every section.

Mode in which the land shall be surveyed.

SEC. 7. *And be it further enacted*, That all the aforesaid tract of country shall be surveyed by the surveyor-general, as soon as may be after the first day of September next, in the manner herein after directed.

1. So much of the said tract as lies between the northern boundary line, and the aforesaid patent of John Cleves Symmes, and associates, and Israel Ludlow's southern boundary of the seventh entire range of townships, shall be laid off into sections, agreeably to northwardly and southwardly lines, run under the direction of John Cleves Symmes; and the marks thereon made, at the time of running the aforesaid lines, for the corners of sections, shall be established by the surveyor-general, and eastwardly and westwardly lines shall be run to intersect the aforesaid northwardly and southwardly lines, in the corresponding marked points.

2. And the residue of the said tract lying north of the aforesaid southern boundary of the seventh entire range, shall be laid off into sections, according to such uniform rule and method, as, in the opinion of the surveyor-general, shall best secure the rights and interest of those who are entitled to pre-emption.

3. Such divisions shall be made of sections, according to the claim of such who obtain pre-emption right, and the contents of each and every section, and such division thereof, shall be ascertained, and the surveyor-general shall prepare and transmit a plan thereof to the aforesaid register, immediately after the said survey shall be completed, and also forward a copy thereof to the Secretary of the Treasury.

Applications to be made as for a section of 640 acres, &c.

SEC. 8. *And be it further enacted*, That all persons, availing themselves of a pre-emption under this act, shall make application for a section, or any part or parts of a section or sections, according to the estimated quantity of six hundred and forty acres to a section, and the amount of the excess or deficiency shall be added to or deducted from the last payment, and the purchaser shall make payment for and hold the quantity returned and expressed in the plats, let the quantity be more or less.

Duties and allowance of the Surveyor General, Register, and Receiver of public monies.

SEC. 9. *And be it further enacted*, That the duties of the surveyor-general, of the aforesaid register and receiver of public monies, as nearly as may be consistent with this act, shall respectively be the same as directed in and by the last recited act, and the fees and emoluments shall respectively be the same as provided in the said act last recited.

Parts of the land to be sold in a different manner.

SEC. 10. *And be it further enacted*, That after completing the surveys, agreeably to this act, reserving the lots marked sixteen in each township, or fractional part of a township, in which the same may be, for the purposes expressed in the ordinance of Congress of the twentieth of May, one thousand seven hundred and eighty-five, the residue of the lands, and so many of the aforesaid pre-emptions as shall become forfeited by reason of failures of payment, shall be sold agreeably to the last recited act.

Repeal of former laws within the purview of this.

SEC. 11. *And be it further enacted*, That this act shall have full operation and effect, any thing in any former law to the contrary notwithstanding.

APPROVED, March 3, 1801.

CHAP. XXIV.—*An Act supplementary to the act intituled "An act concerning the District of Columbia."*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the circuit courts for the district of Columbia shall be and they are hereby invested with the same power respecting constables, inspectors, and the inspection of tobacco and flour, surveyors, mills, highways and ferries, for the county of Alexandria, as have heretofore been vested in the county courts of the commonwealth of Virginia; and for the county of Washington, the same power and authority as have been heretofore exercised by the county and levy courts of the state of Maryland; with power to appoint to all other offices necessary for the said district, under the laws of the respective states of Maryland and Virginia. And all officers for whom no special provision is made by this act, or the act to which this is a supplement, shall receive the same fees and emoluments as they have respectively received under the jurisdiction of the respective states.

SEC. 2. *And be it further enacted,* That all indictments shall run in the name of the United States, and conclude, against the peace and government thereof. And all fines penalties and forfeitures accruing under the laws of the states of Maryland and Virginia, which by adoption have become the laws of this district, shall be recovered with costs, by indictment or information in the name of the United States, or by action of debt, in the name of the United States and of the informer; one half of which fine shall accrue to the United States, and the other half to the informer; and the said fines shall be collected by or paid to the marshal, and one half thereof shall be by him paid over to the board of commissioners herein after established, and the other half to the informer; and the marshal shall have the same power regarding their collection, and be subject to the same rules and regulations as to the payment thereof, as the sheriffs of the respective states of Maryland and Virginia are subject to in relation to the same.

SEC. 3. *And be it further enacted,* That all felonies committed within the county of Alexandria shall be punished in the same manner as such crimes were punishable by the laws of Virginia, as they existed prior to the year one thousand seven hundred and ninety-six; and the circuit court for the said county of Alexandria shall possess and exercise the same powers and jurisdiction, civil and criminal, as is now possessed and exercised by the district courts of Virginia.

SEC. 4. *And be it further enacted,* That the magistrates, to be appointed for the said district, shall be and they are hereby constituted a board of commissioners within their respective counties, and shall possess and exercise the same powers, perform the same duties, receive the same fees and emoluments, as the levy courts or commissioners of county for the state of Maryland possess, perform and receive; and the clerks and collectors, to be by them appointed, shall be subject to the same laws, perform the same duties, possess the same powers, and receive the same fees and emoluments as the clerks and collectors of the county tax of the state of Maryland are entitled to receive.

SEC. 5. *And be it further enacted,* That the clerks of the circuit court shall, within their respective districts, be bound to perform the same duties, respecting the recording of deeds and all other services, and shall receive the same fees and emoluments for the same (except in those cases provided for in the ninth section of the act to which this is a supplement) as are now performed and received by the clerks of the counties of the respective states of Maryland and Virginia.

STATUTE II.
March 3, 1801.

Act of Feb. 27, 1801, ch. 15.
Powers of the circuit court.

Fees of certain officers of the territory.

Form of indictments.

Mode of recovering and distribution of penalties.

Punishment of felonies.

Jurisdiction of the circuit court for Alexandria.

Magistrates to form a board of county commissioners.

Duties and emoluments of the clerks of courts.

Act of Feb. 27, 1801, ch. 15.

(a) See notes to act of February 27, 1801, chap. 15.

Delivery of fugitives from justice or labour from any state.

SEC. 6. *And be it further enacted,* That in all cases where the constitution or laws of the United States provide that criminals and fugitives from justice, or persons held to labour in any state, escaping into another state, shall be delivered up, the chief justice of the said district shall be, and he is hereby empowered and required to cause to be apprehended and delivered up such criminal, fugitive from justice, or persons fleeing from service, as the case may be, who shall be found within the district in the same manner and under the same regulations as the executive authority of the several states are required to do the same; and all executive and judicial officers are hereby required to obey all lawful precepts or other process issued for that purpose, and to be aiding and assisting in such delivery.

Powers of sheriffs and collectors of certain adjacent counties may be exercised within the district for the collection of certain public dues.

SEC. 7. *And be it further enacted,* That it shall be lawful for the sheriffs and collectors of public dues for the counties of Montgomery and Prince George's in the state of Maryland, and for the sheriffs of Fairfax county in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks, for the purposes of collecting by distress or otherwise, as they were heretofore authorized to do, all officers' fees, state taxes and county taxes, levies, fines and other public dues, which were due on the first Monday of December, one thousand eight hundred, and still remain uncollected, from persons residing or having property, subject to the payment of such officers' fees, state taxes and county taxes, and levies within the said district; and all disputes or controversies that do or may arise between such sheriff or collector, and the person or persons from whom he or they may claim such public dues, shall be cognizable before and tried by the respective state courts to whom the trial of such controversies heretofore belonged, and not before the court of the district of Columbia.

Sheriffs may make certain arrests.

SEC. 8. *And be it further enacted,* That it shall and may be lawful for the sheriffs of the said counties of Montgomery and Prince George's in the state of Maryland, and for the sheriff of Fairfax county in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks, for the purpose of arresting and conducting to the respective jails under their keeping and care, as they heretofore might have done had the law to which this is a supplement never passed, each and every person within the limits of the district of Columbia, upon whom such sheriff hath heretofore served a writ of *capias ad satisfaciendum*, *capias ad respondendum*, attachment or other process, issuing from any state court, which commands and requires such sheriff to have the body of the person before the court from which such writ or process hath issued.

The chief judge and one of the associate justices may make appointments.

SEC. 9. *And be it further enacted,* That where by this act, and the act to which this is a supplement, appointments are authorized to be made by the circuit court of the district, it shall be lawful for the chief judge, with one of the associate justices of the said court, to make such appointments.

APPROVED, March 3, 1801.

STATUTE II.

March 3, 1801.

CHAP. XXV.—*An Act to amend the act altering the district of Bermuda Hundred and City Point.*

Alterations in the districts. 1800, ch. 49.

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 master or commander of any ship or vessel arriving within the districts of Petersburg or Richmond, laden with goods, wares and merchandise, belonging or consigned to persons resident within both

the said districts, shall make entry of such ship or vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such ship or vessel, shall actually reside: and the said master or commander shall, at the time of making the entry aforesaid, deliver a duplicate manifest of the cargo as now required by law, to the said collector, whose duty it shall then be, to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such goods, wares or merchandise, shall be authorized by permits from the collector of each district respectively, in which the same shall have been duly entered according to law: *Provided*, that no bona fide importer, owner or consignee of goods, wares or merchandise, residing in either district, shall be admitted to make an entry of such goods, wares or merchandise with the collector of the district, in which such importer, owner or consignee shall not reside: *And provided also*, that all entries for goods, wares or merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such ship or vessel may discharge.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXVI.—*An Act authorizing the remission of duties on certain Teas destroyed by fire, while under the care of the officers of the customs, in Providence, Rhode Island.*

March 3, 1801.

[Obsolete.]

Duties on goods destroyed by fire remitted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the district of Providence, in the state of Rhode Island, be, and he is hereby authorized and directed to remit the duties on such part of a certain quantity of teas, imported into the port of Providence, in the ship called the Resource, on the twenty-ninth day of July, one thousand eight hundred, by Thomas Lloyd Halsey, John Corlis, William F. Megee, and Henry Smith, of the town of Providence, merchants, and on such part of a certain quantity of teas, imported into the said port, in the ship called the Ann and Hope, on the twenty-second day of August, in the same year, by John Innes Clark, of the said town, merchant, as remained deposited to secure the payment of duties, under the care of the officers of the customs, on the twenty-first day of January last, in the aforesaid town of Providence, and shall be proved, to the satisfaction of the said collector, to have been burned and destroyed.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXVII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and one.*

March 3, 1801.

[Obsolete.]

Specific appropriations.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of government, and to discharge certain claims and expenses hereafter enumerated, the following sums be and are hereby appropriated, that is to say:

For the compensation granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensation to the members of the Senate and House of Representatives, their officers and attendants, one hundred and ninety-three thousand four hundred and seventy dollars.

For the contingent expenses of the two houses of Congress, including the payment of certain articles of furniture purchased for the accommodation of Congress, and not provided for by former appropriations, seven thousand dollars.

Specific ap-
propriations.

For the compensation granted by law to the Judges of the United States, the Attorney-General, the district attorneys, and marshals, eighty-three thousand four hundred dollars.

For defraying the expense of courts, jurors, and witnesses, and for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand three hundred and nine dollars, eighty-one cents.

For expenses of stationery, printing, translating foreign languages, allowance to persons employed in receiving and transmitting passports and sea letters, and all other contingent expenses in the office of the Secretary of the Treasury, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars, eight cents.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars, ninety-three cents.

For expense of stationery, printing, and all other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Treasurer, clerks and other persons employed in his office, six thousand three hundred and forty-eight dollars, ninety-eight cents.

For expense of stationery, printing, and all other contingent expenses in the Treasurer's office, three hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and other persons employed in his office, six thousand two hundred and fifty-three dollars, six cents.

For expense of stationery, printing, and all other contingent expenses in the office of the Commissioner of the Revenue, nine hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars, one cent.

For expense of stationery, printing, and all other contingent expenses in the Register's office, two thousand eight hundred dollars.

For compensation to the Superintendent of Stamps, clerks, and persons employed in his office, and for making good a deficiency in former appropriations for the stamp-office, five thousand nine hundred and ninety dollars, twenty-four cents.

For expense of stationery, printing, and all other contingent expenses in the stamp-office, six hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For firewood and candles for the offices of the treasury, including the stamp-office, and other contingencies, four thousand dollars.

For defraying the expense of stating and printing the public accounts for the year one thousand eight hundred and one, one thousand two hundred dollars.

For making good the deficiency of former appropriations, for the expense of removing the books and records of the treasury from Philadelphia to Trenton, in the year one thousand seven hundred and ninety-nine, two thousand six hundred and thirty-nine dollars, seventy-sixty cents.

For the expense of new office furniture for the treasury, at the city of Washington, two thousand dollars.

For flooring the treasury, and incidental expenses for securing the

buildings and records of the treasury, three hundred and fifty-nine dollars, eighty-three cents.

Specific appropriations.

For paying two watchmen for the treasury, six hundred dollars.

For the expense of two buildings for messengers of the treasury, and sinking two wells for the treasury, five thousand one hundred and twenty-two dollars.

For compensation to the several loan-officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the commissioners of loans, and an allowance to certain loan-officers in lieu of clerk hire, twelve thousand one hundred dollars.

For defraying the authorized expenses of the several loan-offices, two thousand nine hundred dollars.

For compensation to the Secretary of State, clerks, and persons employed in his office, eleven thousand three hundred and sixty dollars.

For the contingent expenses of the office of state, thirteen thousand five hundred dollars.

For compensation to the director of the mint, officers, clerks, and other persons, employed in the mint establishment, seventeen thousand six hundred dollars.

For repairs, and all other contingent expenses in the mint establishment, six thousand three hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and ten dollars.

For the compensation of two additional clerks employed by the Secretary at War in copying papers in the office of the Secretary of the Treasury, to replace those lately burnt in the war-office, one thousand two hundred dollars.

For such additional compensation to the clerks of the several departments of the treasury, of state, of war, of the navy, and of the general post-office, not exceeding for each department, respectively, fifteen per cent. in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, as the secretaries of the said departments and the Postmaster-General, may respectively think reasonable for the present year, to be distributed as the said secretaries and the Postmaster-General, respectively, shall think proper, to the clerks in their departments, respectively, eleven thousand eight hundred and eighty-five dollars.

1799, ch. 40.

For an additional allowance to the chief clerk in the office of the Secretary of the Navy, for his services in the year one thousand eight hundred, the sum of three hundred dollars.

For contingent expenses attending the office of Secretary of War, and to make good the deficiency of former appropriations, five thousand dollars.

For compensation to the accountant of the war department, clerks, and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the accountant's office, one thousand dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for contingent expenses of the same, four thousand four hundred and sixty-six dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand one hundred and ten dollars.

For contingent expense in the office of the Secretary of the Navy, three thousand three hundred dollars.

For compensation to the accountant of the navy department, clerks, and persons employed in his office; and to make good a deficiency in the appropriation of the last year, eleven thousand four hundred and forty-nine dollars, forty-one cents.

Specific ap-
propriations.

For the contingent expenses in the accountant's office, seven hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks and persons employed in the general post-office, nine thousand nine hundred and sixty dollars.

For the contingent expense in the general post-office, two thousand one hundred and twelve dollars, fifty cents.

For compensation to the Surveyor-General, the contingent expenses in his office, and the expense of executing surveys of the public land northwest of the river Ohio, twenty-eight thousand two hundred dollars.

For salaries to the governor, secretary, and judges of the territory northwest of the river Ohio, and the contingent expenses of that government, five thousand five hundred dollars.

For salaries to the governor, secretary, and judges of the Mississippi territory, and the contingent expenses of that government, five thousand five hundred dollars.

For salaries to the governor, secretary, and judges of the Indiana territory, and the contingent expenses of that government, five thousand five hundred dollars.

For the discharge of such demands against the United States unprovided for, as shall be ascertained and admitted in due course of settlement at the treasury, two thousand dollars.

For satisfying annuities and grants to Isaac Van Wart, John Paulding, David Williams, Joseph De Bealeau, Joseph Traversie, James M'Kensie, Joseph Brussels, Elizabeth Bergen, and the children of Major Alexander Trueman, and Colonel John Harding, one thousand seven hundred and fifty-three dollars, thirty-three cents.

For the expenses of intercourse with foreign nations during the present year, and making good the deficiency of the appropriation for the year one thousand eight hundred, for the expense of the mission to France, eighty-five thousand dollars.

For carrying into effect the treaty of amity, commerce and navigation, between the United States, and the King of Great Britain, fifty-eight thousand eight hundred and sixty-four dollars.

For a deficiency of former appropriations for carrying into effect the treaty between the United States and the King of Spain, forty-six thousand five hundred dollars.

For fulfilling the engagements of the United States with the Mediterranean powers, two hundred and fifty-six thousand dollars.

For prosecuting the claims of American citizens for property captured by the belligerent powers, sixty-four thousand dollars.

For the relief of American seamen, thirty thousand dollars.

For defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States, forty thousand dollars.

For the support of lighthouses, beacons, buoys and public piers, and other improvements in navigation, thirty-eight thousand six hundred and twenty-two dollars, seventy cents.

For discharging the expense of the second enumeration of the inhabitants of the United States, the sum of sixty thousand dollars.

For discharging such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted at the treasury, which, according to the usage thereof, require payment in specie, four thousand dollars.

For the expense of returning the votes for President and Vice-President of the United States, one thousand five hundred and twenty-four dollars, fifty cents.

For repairing the building occupied by the treasury department, the sum of two thousand dollars.

For satisfying the claim of Clement Biddle, twenty-nine thousand eight hundred and fifty-six dollars, sixty-three cents.

For erecting a lighthouse at old Point Comfort, the sum of three thousand five hundred dollars.

SEC. 2. *And be it further enacted*, That the several appropriations, herein before made, shall be paid and discharged out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXVIII.—*An Act directing the mode of estimating certain foreign coins and currencies, and of making out invoices in certain cases.*

March 3, 1801.

SECTION 1. *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 foreign coins and currencies hereinafter mentioned, shall be estimated in the computation of duties, at the following rates; each sicca rupee of Bengal and each rupee of Bombay, at fifty cents; and each star pagoda of Madras, at one hundred and eighty-four cents; any thing in any former act to the contrary notwithstanding.

Act of March 2, 1799, ch. 22, sec. 74.

SEC. 2. *And be it further enacted*, That from and after the thirtieth day of June next, the invoices of all goods, imported into the United States, and subject to a duty ad valorem, shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such goods, in such foreign currency or currencies, without any respect to the value of the coins of the United States, or foreign coins, which now are, or shall be by law made current within the United States, in such foreign place or country.

1799, ch. 22, sec. 36.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXIX.—*An Act to augment the salaries of the district judges in the districts of Massachusetts, New York, New Jersey, Delaware and Maryland, respectively.*

March 3, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That instead of the compensation at present allowed to the district judges for the districts of Massachusetts, New York, Delaware, and Maryland, respectively, there shall hereafter be allowed to the district judge for the district of Massachusetts, the yearly salary of sixteen hundred dollars; to the district judge for the district of New York, the yearly salary of sixteen hundred dollars; to the district judges for the districts of New Jersey and Delaware, the yearly salaries of twelve hundred dollars each, and to the district judge for the district of Maryland, the yearly salary of sixteen hundred dollars, to be paid at the treasury of the United States in quarter-yearly payments.

[Obsolete.]
Salaries increased.

1789, ch. 18.

SEC. 2. *And be it further enacted*, That for the year one thousand eight hundred and one, there shall be appropriated the sum of eight hundred dollars, to satisfy the additional compensation hereby allowed to the district judges, to be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXX.—*An Act in addition to an act intituled "An act making provision for the further accommodation of the household of the President of the United States."*

March 3, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secre-

[Obsolete.]
1797, ch. 6.

tary of the Treasury be authorized to appoint a proper person, who shall receive the public property belonging to the household of the President of the United States, and, after taking an inventory of the same, shall deliver it, after the third day of March instant, to the President of the United States.

SEC. 2. *And be it further enacted,* That such articles of the furniture belonging to the President's household as may be decayed, out of repair, or unfit for use, and as the President of the United States for the time being, may direct, and all the public property, other than furniture, now belonging to the said household, shall be sold, under the direction of the heads of the several departments of state, of the treasury, of war, and of the navy; and that the proceeds of such sales be expended, in addition to the funds already appropriated for that purpose, under the direction of the same officers, for the purpose of providing furniture for the house erected for the accommodation of the President of the United States.

APPROVED, March 3, 1801.

STATUTE II.

March 3, 1801.

[Obsolete.]
Specific ap-
propriations.

CHAP. XXXI.—*An Act making appropriations for the Navy of the United States, for the year one thousand eight hundred and one.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses of the navy of the United States, for the year one thousand eight hundred and one, there shall be, and hereby is appropriated the sum of three millions forty-two thousand three hundred and fifty-two dollars and ninety-five cents, that is to say:

For the pay of the officers of the navy of the United States, the sum of three hundred and eighty-two thousand seven hundred and eighty-eight dollars.

For the subsistence of the officers of the navy, the sum of sixty-nine thousand eight hundred and two dollars and sixty cents.

For the pay of the seamen, the sum of eight hundred and sixteen thousand six hundred and sixty dollars.

For provisions, the sum of five hundred and ninety-seven thousand one hundred and one dollars and thirty-seven cents.

For the expenses of medicines, hospitals, and hospital stores, the sum of thirty-one thousand six hundred and forty-seven dollars, and twenty cents.

For the contingent expenses of the navy, including expenditure of military stores, the sum of three hundred and forty-four thousand six hundred dollars.

For salaries to store-keepers, clerks, store rent, labourers, and other contingencies, the sum of thirty-seven thousand eight hundred and fifty dollars.

For the pay of the officers, non-commissioned officers, and privates of the marine corps, the sum of ninety-nine thousand two hundred and thirty-four dollars.

For the subsistence of the officers and privates of the marine corps, the sum of eleven thousand four hundred and eighty-six dollars and ten cents.

For clothing for the marine corps, the sum of thirty-three thousand five hundred and eighty-one dollars, and thirty cents.

For military stores for the marine corps, the sum of nine thousand one hundred and sixty-six dollars, and thirty-eight cents.

For the contingent expenses of the marine corps, including camp equipage, quartermaster, barrack master, hospital stores, stationery, and other contingencies, the sum of thirteen thousand four hundred and thirty-six dollars.

For the expenses attending six seventy-four gun ships, and for completing navy yards, docks, and wharves, the sum of five hundred thousand dollars.

For erecting marine barracks, the sum of twenty thousand dollars.

For maintenance of French prisoners, the sum of thirty thousand dollars.

For making up deficiency of former appropriations for the maintenance of French prisoners, the sum of forty-five thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid out of the unexpended balance of appropriations for the navy, at the close of the last year, and out of any other monies in the treasury not otherwise appropriated.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXXII.—*An Act for altering the times and places of holding certain Courts therein mentioned, and for other purposes.*

March 3, 1801.

[Repealed.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the circuit courts of the United States, within the districts of Maine, New Hampshire, Massachusetts and Rhode Island, shall, after the passing of this act, commence and be respectively held on the several days herein after expressed, instead of the times heretofore established by law, that is to say: In and for the district of Rhode Island, at Providence, on every first day of April, and at Newport on every eleventh day of November; in and for the district of Massachusetts, on every eighth day of April and twenty-fifth day of October; in and for the district of New Hampshire, at Portsmouth, on every twenty-third day of April, and at Exeter on every fifteenth day of October; in and for the district of Maine, at Portland, on every first day of May, and at Wiscasset on every sixth day of October, except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following.

Act of March, 1802, ch. 8.

Times and places of holding the circuit courts of Maine, New Hampshire and Massachusetts, altered.

SEC. 2. *And be it further enacted*, That all actions, suits, process and other proceedings of what nature or kind soever, depending and undetermined before the circuit courts aforesaid respectively, or that shall be depending and undetermined on the first day of April next, before the district court for the district of Maine, acting as a circuit court, shall be continued to the next circuit courts respectively hereby directed to be holden in and for the districts aforesaid, respectively.

Continuances to those courts.

SEC. 3. *And be it further enacted*, That all writs and processes which have been, or shall be duly sued out and made returnable to either of the circuit courts aforesaid, or to the district court for the district of Maine, acting as a circuit court, on either of the days on which the same courts were respectively to have been held prior to the passing of this act, and all recognizances that have been or shall be duly taken and made so returnable (said writs and processes having been duly taken and seasonably served) shall be returned to and proceeded upon in the said next circuit courts respectively, which are next to be holden in and for the districts aforesaid, respectively, as hereby directed; and all property attached by virtue of such writs or processes, shall be held in due form of law to respond the final judgments that shall be obtained upon the same respectively.

Causes to be proceeded on therein.

SEC. 4. *And be it further enacted*, That the district courts of the United States, in the state of North Carolina, shall, after the passing of this act, commence and be held on the several days herein after expressed, instead of the times heretofore established by law, that is to say: at Edenton in and for the district of Albemarle on every last Monday of March, third Monday of June, and last Monday of November; at Newbern

Times and places of holding the district courts in North Carolina, altered.

in and for the district of Pamptico, on every first Monday of April, fourth Monday of June and first Monday of December; and at Wilmington in and for the district of Cape Fear, on every second Monday of April, first Monday of July and second Monday of December.

Continuance of causes in the district courts of N. Carolina and New Jersey.

SEC. 5. *And be it further enacted*, That all actions, suits, writs, process, pleadings and other proceedings commenced, instituted, depending or existing in the district courts of the districts of New Jersey and North Carolina, at the time of the passing of this act, shall be continued in manner following, that is to say: all such commenced, instituted, depending, or existing in the district court of the district of New Jersey, to the next district court to be holden in the district of East Jersey; and all such commenced, instituted, depending or existing in the district court of the district of North Carolina, shall be continued to the next district court to be holden in the district of Pamptico.

Place of holding the circuit court in Kentucky.

SEC. 6. *And be it further enacted*, That from and after the passing of this act, the circuit court of the United States for the district of Kentucky, shall be holden at Frankfort, within and for said district, on the days already established by law, instead of at Beardstown, any thing in any other law to the contrary notwithstanding.

Chief judge of Columbia to be the judge of Potomac district.

SEC. 7. *And be it further enacted*, That the chief judge of the district of Columbia, shall hold the district courts of the United States in and for the district of Potomac, and shall have, exercise and perform, within the said district of Potomac, all the powers and duties now possessed, exercised and performed by the district judges of the United States within their respective districts.

APPROVED, March 3, 1801.

STATUTE II.

Feb. 27, 1801.

CHAP. XXXIII.—*An Act to amend the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of Slaves, within the United States," and to repeal the act, intituled "An act to enlarge the powers of the surveyors of the revenue."*

[Obsolete.]
Act of July 11, 1798, ch. 70.
Surveyors of the revenue to make certain returns to the supervisors and inspectors of the revenue.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each surveyor of the revenue who has been or shall be appointed under the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," after completing the lists of the sums payable, for every dwelling-house and slave within the district to which such surveyor does or shall belong, and delivering the same to the collector of the revenue, and after taking receipts for such lists from the collector, in the manner provided by the act, intituled "An act to lay and collect a direct tax within the United States," shall transmit to the supervisor of the district, or to the inspector of survey, in any district comprehending more than one survey of inspection, to which such surveyor does or may belong, the receipts given by the collector for such lists, together with all the records of the lists, valuations and enumerations, which he has received or shall receive, or which doth or shall exist in his office under authority of the act first mentioned; and it shall be the duty of such supervisor or inspector to receive such receipts, records and papers, and safely to preserve the same.

1798, ch. 76.

Repeal of part of the former act.

SEC. 2. *And be it further enacted*, That so much of the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves," as makes it the duty of the surveyors of the revenue to record the transfers of lands or dwelling-houses, included in the said valuations, and to view and apportion the value of such land or dwelling-houses as shall be divided by sale or partition, and to value and assess new dwelling-houses and lands which are exempted, but which shall cease to be exempted from taxation by the laws of the state, where the same shall be situated, and to cancel or reduce the valuation of dwelling-

1798, ch. 70.

houses, which may be damaged or destroyed by fire or other accidents, shall be and the same is hereby repealed.

SEC. 3. *And be it further enacted*, That the act, intituled "An Act to enlarge the powers of the surveyors of the revenue," passed on the thirteenth day of May, in the year one thousand eight hundred, shall be and the same is hereby repealed.

APPROVED, February 27, 1801.

Repeal of a former act. 1800, ch. 60.

STATUTE II.

CHAP. XXXIV.—*An Act for erecting Lighthouses on New Point Comfort, and on Smith's Point, in the state of Virginia, and on Faulkner's Island in Long Island Sound, in the state of Connecticut, and for placing buoys in Naraganset Bay.*

March 3, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as a cession shall be made by the state of Virginia to the United States, of the jurisdiction over the land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to provide by contract, to be approved by the President of the United States, for building a lighthouse on New Point Comfort, and another lighthouse on Smith's Point, both in the state aforesaid, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the persons, who may be appointed by the President for the superintendence and care of the same, and that the President be authorized to make the said appointments.

Lighthouses to be erected on New Point Comfort and on Smith's Point.

SEC. 2. *And be it further enacted*, That as soon as a cession shall be made by the state of Connecticut, of the jurisdiction over the land proper for the purpose, the Secretary be, and he is hereby authorized to provide by contract, to be approved by the President of the United States, for building a lighthouse on Faulkner's Island, in Long Island Sound, in the said state of Connecticut, and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons appointed by the President for the superintendence and care of the same, and that the President be authorized to make the said appointments.

A lighthouse to be erected on Faulkner's Island.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be placed one buoy on the shoal south of Kinnimicut Point, and one buoy on a ledge called the half way rock, in the Naraganset Bay, in the state of Rhode Island.

Buoys to be placed in Naraganset Bay.

SEC. 4. *And be it further enacted*, That there be appropriated and paid, out of the monies arising from imports and tonnage, the sum of five thousand dollars for the purpose of erecting the lighthouse as aforesaid on New Point Comfort; the sum of nine thousand dollars for the purpose of erecting the lighthouse as aforesaid on Smith's Point; and the sum of six thousand dollars for erecting the lighthouse as aforesaid on Faulkner's Island in Long Island Sound, and the sum of one hundred and fifty dollars for placing two buoys as aforesaid in the Naraganset Bay, in the state of Rhode Island.

Appropriation.

APPROVED, March 3, 1801.

STATUTE II.

CHAP. XXXV.—*An Act further to alter and to establish certain Post Roads.*

March 3, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following post roads be discontinued:

[Repealed.]

From Lancaster to New Holland in Pennsylvania.

Act of April 28, 1810, ch. 37.

From Greenville in Tennessee, by the Warm Springs, to Buncomb Courthouse.

Certain post-roads to be discontinued.

From Elizabeth city in North Carolina, by New Lebanon, to Northwest river bridge.

From Upper Marlborough to Piscataway.

From Henderson Courthouse to Muhlenberg Courthouse.

Post-roads
established.

Sec. 2. *And be it further enacted*, That the following be established as post roads:

In Maine.—From Standish to Fryburg.

In New Hampshire.—From Amherst by Francistown, Washington and Claremont, to Windsor in Vermont.

In Vermont.—From Bennington to Brattleborough.

From Newbury by Bradford, Corinth, Washington and Barre, to Montpelier.

In Massachusetts.—From Leominster, through Westminster, Templeton and Athol, to Greenfield.

From Worcester, by Mendon, to Providence, and from Worcester to Lancaster.

In Rhode Island.—From Providence, by Rehoboth and Attleborough, to Taunton, Massachusetts.

In New York.—From Albany, by Duanesburg and Durlock, to Cherry Valley.

From Poughkeepsie, by Sharon, to Litchfield.

In Delaware.—From Georgetown, by Concord and the village of Laurel, to Salisbury.

In Maryland.—From Annapolis to Easton, by Young Hadaways.

From Annapolis to Centreville, by Kent Island.

From the city of Washington to Piscataway.

From Elkton, by Warwick and Bridgetown, to Greensborough, in Caroline county.

From the city of Washington, by Brookville and W. Hobbs's in Frederick county, to Taneytown.

From the city of Washington to Wiley's tavern in Fairfax county, Virginia.

In Pennsylvania.—From Pittsburg, by Georgetown and Canfield, to Warren in the Northwestern territory.

From Berwick to Wilkesbarre.

In Virginia.—From Richmond to Charles City Courthouse.

From Clarkesburg to Marietta.

From Romney to Morganton or Clarkesburg.

From Alexandria, by Thomas's ferry, to Piscataway, in Maryland.

From Halifax Courthouse to Danville.

From Bowling Green, by Broadus's mill, S. Harrison's and Dunkirk, to New Kent Courthouse.

The post road from Jerusalem to Hicks's ford shall pass by the Cross-keys, and from the Cross-keys to Murfreesborough.

From Petersburg, by Sussex Courthouse, to Southampton Courthouse.

From Jamestown to Farmville.

The mail from Mecklenberg Courthouse, in Virginia, to Christianville, shall be carried by Marshall's and Wilson's store.

In the Northwestern Territory.—From Cincinnati to Detroit.

In Indiana Territory.—From Vincennes, by Kaskaskias, to Kahokia.

In Kentucky.—From Harding Courthouse to Breckenridge Courthouse, to Henderson Courthouse, Eddy Grove and Eddyville, to Fort Massac.

From Breckenridge Courthouse, by Hartford and Vienna, to Muhlenberg Courthouse.

In Tennessee.—From Knoxville, by Sevierville, Newport and the Warm Springs, to Buncomb Courthouse.

From Newport, by Cheek's cross-roads, to Oresville.

In the Mississippi Territory.—From Natchez to the southern boundary line of the United States.

In North Carolina.—The post road from Raleigh to Chatham Courthouse, shall pass through Haywoodsborough.

New post roads established.

The post road from Raleigh to Newbern, shall pass through Greene county.

From Elizabeth City to Indiantown and Tull's creek, to Northwest river bridge.

The post road from Winton to Windsor shall pass through Pitch-
anding and Colerain.

From Louisburg, by Nash Courthouse, to Tarborough.

From Charlotte Courthouse to York Courthouse, in South Carolina.

From Charlotte to Camden, in South Carolina.

SEC. 3. *And be it further enacted,* That all letters and packets from John Adams, now President of the United States, after the expiration of his term in office, and during his life, shall be received and conveyed by post free of postage.

Privilege of franking extended to John Adams.

SEC. 4. *And be it further enacted,* That this act shall not be construed to affect any existing contracts.

APPROVED, March 3, 1801.

RESOLUTION respecting certain property of the United States, in the possession of Thomas Claxton, James Mathers and Thomas Dunn, doorkeepers to Congress.

March 2, 1801.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas Claxton, James Mathers and Thomas Dunn, be permitted to occupy, free of rent, until otherwise directed by Congress, the houses now in their respective possession, the property of the United States, in the public square in the city of Washington on which the Capitol stands, together with a small piece of ground contiguous to each, for a garden, to be inclosed in such a manner as not to interfere with any of the public streets or avenues passing through the said square.

APPROVED, March 2, 1801.