

ACTS OF THE TENTH CONGRESS
OF THE
UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the twenty-sixth day of October, 1807, and ended on the twenty-fifth day of April, 1808.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, from the 18th of April, 1808; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE I.

Nov. 24, 1807.

CHAPTER I.—*An Act making further appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven.*

[Obsolete.]
Specific ap-
propriations.

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 and seven, the following sums, in addition to the sums heretofore appropriated for that object, be, and the same are hereby respectively appropriated; that is to say:

For the pay and subsistence of the officers, and pay of the seamen, seventy-four thousand seven hundred and fifty-four dollars and twenty-nine cents.

For provisions, thirty-one thousand four hundred and sixty-eight dollars and fifteen cents.

For repairs of vessels, one hundred and forty-two thousand eight hundred and eighty-four dollars and sixty-one cents.

For pay and subsistence of the marine corps, eighteen thousand five hundred dollars.

For clothing for the same, ten thousand one hundred and thirty-nine dollars and forty-two cents.

For medicines and hospital stores, one thousand two hundred and sixty-three dollars and forty cents.

For ordnance and military stores, three hundred and ten thousand five hundred and fifty-four dollars and sixty cents.

For timber for the navy, eighty-seven thousand five hundred dollars.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, November 24, 1807.

STATUTE I.

Dec. 5, 1807.

[Obsolete.]
Additional
compensation
allowed.

CHAP. II.—*An Act allowing an additional compensation to the Secretaries of the Mississippi, Indiana, Louisiana and Michigan Territories.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the secretaries of the Mississippi, Indiana, Louisiana and Michigan territories, appointed

under the authority of the United States, be entitled to the annual sum of one thousand dollars, in lieu of his present compensation, to commence on the first day of January next.

APPROVED, December 5, 1807.

CHAP. III.—*An Act to change the name of the district of Biddeford and Pepperelborough, in Massachusetts, to that of Saco.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district, at present called the district of Biddeford and Pepperelborough, in Massachusetts, shall in future be called the district of Saco, and that the collector of the said district, be permitted to reside in Saco or Biddeford, and that all the provisions of the several acts of Congress, that relate to the district of Biddeford and Pepperelborough, shall be, and the same are hereby continued in full force, with respect to the district of Saco.

APPROVED, December 15, 1807.

CHAP. IV.—*An Act to appropriate money for the providing of an additional number of Gun Boats.*

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 and empowered to cause to be built, or purchased, armed and equipped, a number not exceeding one hundred and eighty-eight gun boats, for the better protection of the ports and harbors of the United States, and for such other purposes as in his opinion the public service may require.

SEC. 2. And be it further enacted, That a sum not exceeding eight hundred and fifty-two thousand five hundred dollars, be, and hereby is appropriated, for this purpose, out of any monies in the treasury not otherwise appropriated.

APPROVED, December, 18, 1807.

CHAP. V.—*An Act laying an Embargo on all ships and vessels in the ports and harbors of the United States. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an embargo be, and

STATUTE I.

Dec. 15, 1807.

Act of March 2, 1799, ch. 22, sec. 2.

Name of Saco substituted for that of Biddeford, &c. &c.
Collector to reside at Saco.

STATUTE I.

Dec. 18, 1807.

[Obsolete.]
A number of gun boats to be built, equipped, &c. &c. at the discretion of the President.

Specific appropriation.

STATUTE I.

Dec. 22, 1807.

[Repealed.]
Act of Jan. 9, 1808, ch. 8.

(a) Cases decided upon the embargo acts of December 22, 1807, chap. 5: January 9, 1808, chap. 8: March 12, 1808, chap. 33: April 25, 1808, chap. 66: and January 9, 1809, chap. 5:—

Where a vessel had been driven by stress of weather into a port, in the West Indies, while proceeding to Portland in Maine, and there detained by the government of the place, this was such a casualty as came within the exception of "dangers of the seas," in the condition of an embargo bond, dated 29th December, 1807, taken in pursuance of the act of Congress of December 22, 1807. *United States v. Hall and Worth*, 6 Cranch, 176; 2 Cond. Rep. 340.

Subsequent to the execution of this bond, on the 9th of January, 1808, Congress passed supplement to the embargo law, by which other and additional penalties were imposed, and the circumstances under which the obligor in any embargo bond given under the act of 22d December, 1807, could obtain relief, were changed. The court said they would never consider the latter act as applying to previous facts, unless such construction should be unavoidable. *Ibid.*

In an action of debt for the penalty of an embargo bond, it is a good plea under the act of Congress of 12th March, 1808, sec. 3, that the party was prevented relanding the goods in the United States by unavoidable accidents. *Durousseau v. The United States*, 6 Cranch, 307; 2 Cond. Rep. 380.

It was no offence under the embargo laws, to take goods out of one vessel and put them in another in the port of Baltimore; unless it was with an intention to export them. 6 Cranch, 327.

The evidence of the necessity which will excuse a violation of the embargo laws, must be clear and certain. *Brig James Wells v. The United States*, 7 Cranch, 22; 2 Cond. Rep. 402.

The departure of a vessel from a wharf in a port, and proceeding a mile and an half therefrom, with the intention of proceeding to sea, is not a departure from the port within the meaning of the supplementary embargo act of January 9, 1808, if the vessel had not actually gone out of the port before seizure. *Sloop Active v. The United States*, 7 Cranch, 100; 2 Cond. Rep. 431.

A vessel which has proceeded to a foreign port, contrary to the embargo act of January 8, 1808, is

Act of March 12, 1808, ch. 33.

Act of April 25, 1808, ch. 66.

Act of March 1, 1809, ch. 24.

Embargo laid upon shipping in the U. S.

Clearances to be given to none but vessels under the direction of the President.

Foreign ves-

hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate direction of the President of the United States: and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided*, that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast, or with the goods, wares and merchandise on board of such foreign ship or vessel, when notified of this act.

liable to be seized on her return, although that act gives a penalty of double her value, in case she should not be seized. *United States v. The brig Eliza*, 7 Cranch, 113; 2 Cond. Rep. 437.

A merchant vessel captured as prize, condemned and sold, and afterwards purchased by her former master, a citizen of the United States, who obtained a Danish burgher's brief, and who cleared out of a port of the United States as a Dane, is a foreign ship within the fifth section of the act of January 9, 1808, supplementary to the embargo act, although the purchaser was yet a citizen of the United States. *The schooner Good Catherine v. The United States*, 7 Cranch, 349; 2 Cond. Rep. 525.

By the 11th section of the act of April 25, 1808, the collector had no right to detain a vessel and her cargo, after her arrival at her port of destination, under a suspicion that she intended to violate the embargo, and such suspicions could not be justified by instructions from the Secretary of the Treasury nor the confirmation of the President. *Otis v. Bacon*, 7 Cranch, 589; 2 Cond. Rep. 618.

Under the 11th section of the embargo act of April 25, 1808, the collector was justified in detaining a vessel by his honest opinion that there was an intention to violate or evade the provisions of the embargo laws. It was not necessary for him to show that his suspicions were reasonable. *Crowell et al. v. M'Faddon*, 8 Cranch, 94; 3 Cond. Rep. 48.

A bond taken under the first section of the embargo act of January 9, 1808, is not void, although taken by consent of the parties, after the vessel had sailed. *Speake et al. v. The United States*, 9 Cranch, 28; 3 Cond. Rep. 244.

The obligors are estopped to deny that the penalty of the bond is double the true value of the cargo. *Ibid.*

Under the third section of the embargo act of April 25, 1808, a vessel is not subject to forfeiture, for departing without a clearance, unless she has departed out of port. *The Active v. The United States*, 7 Cranch, 100; 2 Cond. Rep. 431.

It seems to be a good defence to an action on an embargo bond, that the same was given for more than twice the value of the cargo, and that the obligors were constrained to execute it by the refusal of a clearance. *United States v. Gordon et al.*, 7 Cranch, 287; 2 Cond. Rep. 494.

If the collector justify a detention under the embargo law of April 25, 1808, sec. 11, he need not show that his opinion was correct, nor that he used reasonable diligence in ascertaining the facts on which his opinion was founded. *Otis v. Watkins*, 9 Cranch, 339; 3 Cond. Rep. 424. See *Slocum v. Mayberry*, 2 Wheat. 1; 4 Cond. Rep. 1; *Otis v. Walter*, 2 Wheat. 18; 4 Cond. Rep. 10.

Under the embargo act of December 22, 1807, the words, "an embargo shall be laid," not only imposed upon the public officers the duty of preventing the departure of registered or sea-lettered vessels on a foreign voyage, but consequently rendered them liable to forfeiture under the supplementary act of January 9, 1808. In such a case, if the vessel be actually and bona fide carried by force to a foreign port, she is not liable. *The William King*, 2 Wheat. 148; 4 Cond. Rep. 71.

Under the embargo act of April 25, 1808, a vessel not arriving at her port of original destination, excites an honest suspicion in the collector, that a demand of a permit to land a cargo, was merely colourable; this is not a termination of the voyage, so as to preclude the right of detention. *Otis v. Walter*, 11 Wheat. 192; 6 Cond. Rep. 270.

Under the 5th section of the embargo act of January 9, 1808, "a foreign vessel," means a vessel navigating under the flag of a foreign power; and not a vessel owned in whole or in part by foreigners, domicilled in the United States. *The Sally*, 1 Gallis. C. C. R. 58.

A departure from any place within the jurisdictional limits of the United States, although such place be not within any port, is within the embargo act of December 22, 1807. *The Ann*, 1 Gallis. C. C. R. 62.

A vessel, which during the existence of the embargo laws, departed from one port of the United States to another, but was obliged from irresistible necessity, to put into a foreign port, and sell her cargo, was not guilty of a violation of the embargo laws. *The Brig William Gray*, Paine's C. C. R. 16.

The embargo law was passed December 22, 1807. A vessel cleared for St. Mary's, Georgia, on the 15th of January; the collector received information of the passage of the law, and gave notice of it. It did not appear that this was known to the master or owners previous to the sailing. Being seized for a violation of the law, the court ordered her restitution. *The Cotton Planter*, 1 Paine's C. C. R. 23.

To excuse a vessel which has sailed under an embargo bond, from re-landing her cargo in the United States, under this clause, "the perils of the sea only excepted," the accident must happen without any fault or negligence of the master, and must occur at sea; or if at land, it must be the immediate consequence of the peril happening at sea. *United States v. Hall et al.*, 2 Wash. C. C. R. 366. See the *United States v. The Nancy*, 3 Wash. C. C. R. 281. *The United States v. Morgan et al.*, 3 Wash. C. C. R. 10. *The United States v. Mitchell et al.*, 3 Wash. C. C. R. 95.

The third section of the embargo act of December 22, 1807, was not repealed by the act of 1809. *The Argo*, 2 Gallis. C. C. R. 314.

A libel against a vessel for violating the embargo laws, must contain a substantial statement of the offence, with reasonable precision. *1 Brockenb. C. C. R. 347.*

SEC. 2. *And be it further enacted,* That during the continuance of this act, no registered, or sea letter vessel, having on board goods, wares and merchandise, shall be allowed to depart from one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel shall first give bond, with one or more sureties to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise shall be relanded in some port of the United States, dangers of the seas excepted, which bond, and also a certificate from the collector where the same may be relanded, shall by the collector respectively be transmitted to the Secretary of the Treasury. All armed vessels possessing public commissions from any foreign power, are not to be considered as liable to the embargo laid by this act.

APPROVED, December 22, 1807.

sels in ballast or with goods on board when notified to be allowed to depart.

Registered or sea letter vessels not to proceed from one port to another in the U. States without giving bonds, &c. &c.

Exception of public armed vessels, &c.

CHAP. VII.—*An Act supplementary to an act, intituled “An act for fortifying the ports and harbors of the United States, and for building Gun Boats.”*

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 is hereby authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary, to be repaired or completed, and such other fortifications and works to be erected as will afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation, and that the sum of one million of dollars, in addition to the sums heretofore appropriated, be, and the same is hereby appropriated for that purpose, out of any money in the treasury not otherwise appropriated.

APPROVED, January 8, 1808.

STATUTE I.

Jan. 8, 1808.

[Obsolete.]

President authorized to have fortifications repaired and built.

Act of April 21, 1806, ch. 47. Appropriation.

CHAP. VIII.—*An Act supplementary to the act, intituled “An act laying an embargo on all ships and vessels in the ports and harbors of the United States.” (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the act to which this act is a supplement, no vessel licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, until the owner, consignee, agent or factor shall, with the master, give bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States.

SEC. 2. *And be it further enacted,* That the owner or owners of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than sea stores, salt and the usual fishing tackling and apparel, shall give a general bond, in four times the value of the vessel and cargo, that they will not, during the continuance of the above mentioned act, proceed to any foreign port or place, and will return with their fishing fare to some port or place within the United States: **Provided**, that it shall be lawful and shall be sufficient in the case of any licensed vessel, whose employment has uniformly been confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond, in an amount equal to three hundred dollars for each ton of said vessel, with condition that such vessel shall not be employed in any foreign trade during the time limited in the condition of the bond.

SEC. 3. *And be it further enacted,* That if any ship or vessel shall, during the continuance of the act to which this act is a supplement,

STATUTE I.

Jan. 9, 1808.

[Repealed.]

Act of Dec. 22, 1807, ch. 5. Bonds to be given in cases of coasting vessels, sailing coast wise.

A general bond to be given in the cases of fishing vessels.

Proviso in favour of licensed vessels uniformly employed on rivers, bays and sounds within the U. States.

(a) See notes to act of December 22, 1807, chap. 5.

Forfeitures and penalties on vessels departing without a permit.

If vessel shall not be seized the owner of the vessel shall be liable for a sum equal to double the value of the ship, vessel and cargo, and master of such vessel subjected to a penalty.

Provision in a former to extend only to public armed vessels, and shall not embrace privateers.

Foreign vessels prohibited from shipping specie, merchandise, &c. &c.

Penalties. Specie may be seized and condemned.

Distribution of forfeitures, penalties, &c. Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13. Act of Feb. 11, 1800, ch. 6.

Drawbacks not to be affected by this act.

depart from any port of the United States without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, or of the act to which this act is a supplement, proceed to a foreign port or place, or trade with or put on board of any other ship or vessel any goods, wares or merchandise, of foreign or domestic growth or manufacture, such ships or vessels, goods, wares and merchandise shall be wholly forfeited, and if the same shall not be seized, the owner or owners, agent, freighter or factors of any such ship or vessel shall for every such offence forfeit and pay a sum equal to double the value of the ship or vessel and cargo, and shall never thereafter be allowed a credit for duties on any goods, wares or merchandise imported by him or them into any of the ports of the United States, and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such prohibited foreign voyage, shall each respectively forfeit and pay a sum not exceeding twenty thousand, nor less than one thousand dollars, for every such offence, whether the vessel be seized and condemned or not, and the oath or affirmation of any master or commander knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

SEC. 4. *And be it further enacted,* That the exception made by the act to which this act is a supplement, in favour of armed vessels possessing public commissions from foreign powers, shall apply only to public armed vessels, and shall not be construed to embrace either privateers, vessels having letters of marque, or any other private armed vessels; but such private armed vessels shall be permitted to depart in the same manner, and on the same conditions as is provided for other private foreign ships or vessels.

SEC. 5. *And be it further enacted,* That if any foreign ship or vessel shall, during the continuance of the act to which this act is a supplement, take on board any specie or any goods, wares, or merchandise, other than the provisions and sea stores necessary for the voyage, such ship or vessel and the specie and cargo on board shall be wholly forfeited, and may be seized and condemned in any court of the United States, having competent jurisdiction, and every person concerned in such unlawful shipment shall forfeit and pay a sum not exceeding twenty thousand dollars, nor less than one thousand dollars for every such offence.

SEC. 6. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act shall be sued for, recovered, distributed, and accounted for in the manner prescribed, by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed the third of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February one thousand eight hundred.

SEC. 7. *And be it further enacted,* That the time during which the act to which this act is a supplement, shall continue in force, shall not be computed as making part of the term of twelve calendar months during which goods, wares or merchandise, imported into the United States, must be re-exported in order to be entitled to a drawback of the duties paid on the importation thereof.

APPROVED, January 9, 1808.

CHAP. IX.—*An Act extending the right of suffrage in the Mississippi territory; 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 every free white male person in the Mississippi territory, above the age of twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land, by virtue of any act of Congress, or who may become the purchaser of any tract of land from the United States of the quantity of fifty acres, or who may hold in his own right a town lot of the value of one hundred dollars within the said territory, shall be entitled to vote for representatives to the general assembly of said territory.

Sec. 2. And be it further enacted, That the general assembly of the territory aforesaid, shall have power to apportion the representatives of the several counties therein, or which may hereafter be established therein, according to the number of free white male inhabitants above the age of twenty-one years in such counties: *Provided*, that there be not more than twelve, nor less than ten of the whole number of representatives; any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants of full age, in said territory; after which time the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

Sec. 3. And be it further enacted, That the citizens of the said territory, entitled to vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the United States, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States; any thing in the ordinance for the government of said territory, to the contrary notwithstanding.

APPROVED, January 9, 1808.

STATUTE I.
Jan. 9, 1808.

[Obsolete.] Qualifications of electors of representatives to the general assembly of the Mississippi territory.

1804, ch. 57,
sec. 7.

General assembly may apportion representatives.

Not more than 12 nor less than 10 representatives until there shall be six thousand free inhabitants in the territory.

A delegate to Congress to be elected at the time of the general election.

CHAP. X.—*An Act supplemental to an act, intituled “An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee.” (b)*

STATUTE I.
Jan. 19, 1808.

Actual settlers entitled to a preference in becoming purchasers.

1803, ch. 27.

1807, ch. 46.

Proviso that such tract of land shall not exceed one section, and shall be surveyed agreeably to the sectional lines already established, or which may hereafter be established by the surveyor of the lands of the United States south of the state of Tennessee.

(a) By the act of March 1, 1817, chap. 23, Mississippi was admitted into the Union as a State.
(b) See notes to act of March 3, 1803, chap. 27.

sectional lines already established.

Notice to be given by persons claiming, under the foregoing section.

Their rights otherwise forfeited.

Time allowed to persons having pre-emption rights.

This act not to extend to certain other claimants.

Sec. 2. And be it further enacted, That every person claiming a tract of land by virtue of this act shall, before the first day of October next, deliver to the register of the land-office within whose district the land may be, a notice of his claim in writing, together with a plat of the tract of land claimed; and if any person shall fail to deliver such notice and plat, the person or persons so failing, shall forfeit all claim or pretension of claim to such tract of land, and the same shall be sold with the other lands of the United States in said territory.

Sec. 3. And be it further enacted, That persons entitled to a right of pre-emption under the first section of this act, shall be allowed until the first day of January, one thousand eight hundred and nine, to make the first payment of the purchase money of such tract or tracts of land as may be claimed by virtue of said section, and the residue of the said purchase money shall be paid in the same manner, and under the same conditions as directed for the other lands in said territory.

Sec. 4. And be it further enacted, That this act shall not extend to any person or persons claiming other lands in said territory in his or their own right, by virtue of British or Spanish grants, or to any person or persons to whom a donation has been granted, by either of the said boards of commissioners.

APPROVED, January 19, 1808.

STATUTE I.

Jan. 19, 1808.

[Obsolete.]

Part of a former act revived and continued in force.

Act of March 26, 1804, ch. 46.

Act of Jan. 10, 1809, ch. 7.

Proviso.

CHAP. XI.—An Act to revive and continue in force for a further time the first section of the act, intituled “An act further to protect the commerce and seamen of the United States against the Barbary powers.”

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 passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled “An act further to protect the commerce and seamen of the United States against the Barbary powers,” as is contained in the first section of the said act, be, and the same hereby is revived and continued in force, until the first day of January next: *Provided however*, that the additional duty laid by the said section, shall be collected on all such goods, wares and merchandise, liable to pay the same, as shall have been imported previous to that day.

APPROVED, January 19, 1808.

STATUTE I.

Jan. 21, 1808.

CHAP. XII.—An Act to provide for the payment of certain expenses incurred in the impeachment of Samuel Chase.

[Obsolete.]
Expenses authorized by the committee of inquiry or the managers of the impeachment of Judge Chase to be settled, and paid.

Proviso.

1804, ch. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury be, and they are hereby directed to audit and settle the accounts of all persons who may have claims against the United States, for expenses incurred in the inquiry into the conduct, and in the impeachment of Samuel Chase; which expenses may have been authorized by the committee of inquiry, or the managers of the said impeachment: *Provided*, that the said accounts shall have been first certified by the chairman of the said committee, or managers; and the same shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 21, 1808.

STATUTE I.

Jan. 27, 1808.

CHAP. XIV.—An Act to continue in force for a limited time an act, intituled “An act continuing for a limited time the salaries of the officers of government therein mentioned.”

[Obsolete.]
Act of Feb. 20, 1804, ch. 12,

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

twentieth day of February, one thousand eight hundred and four, intituled "An act continuing for a limited time the salaries of the officers of government, therein mentioned," shall be, and continue in force for the term of three years, and to the end of the next session of Congress thereafter, and no longer.

continued in
force for three
years.

APPROVED, January 27, 1808.

CHAP. XV.—*An Act authorizing the erection of a bridge over the river Potomac, within the District of Columbia.*

STATUTE I.

Feb. 5, 1808.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, viz: Robert Brent, Daniel Carroll, of Duddington, Thomas Monroe, James D. Barry, Frederick May, Samuel Harrison Smith, Jonah Thompson, Jonathan Swift, Thomas Vowell, Cuthbert Powell, Elisha Janney, and Charles Alexander, or any seven of them, be, and they are hereby constituted a board of commissioners, with full power and authority to open, or cause to be opened, books for receiving and entering subscriptions for raising a capital stock, not exceeding two hundred thousand dollars, in shares of one hundred dollars each, for the purpose of erecting a bridge over the river Potomac, between the city of Washington and Alexander's island, and making such other incidental works, and defraying such other incidental expenses, as shall be required by this act, or deemed necessary or expedient by the company herein after named; the time, place and manner of receiving and entering such subscriptions, to be ascertained by the said board of commissioners, and duly advertised in such gazettes, as they may deem expedient: *Provided*, that the time to be fixed upon by the said board of commissioners, for opening books for receiving the said subscriptions, shall be on or before the first Monday in July next, and that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of the person authorized to receive the same, on each share subscribed for.

Names of persons constituted
a board of commissioners for
receiving subscriptions, &c.
&c.

Site of the
bridge.

Books to be
opened before
the first Monday
in July, 1808.

The company
made a body
politic or cor-
porate.

Name of the
company.

Their powers,
&c. &c.

A meeting of
the company to
be advertised
for choosing di-
rectors, officers,
&c. &c.

Sec. 2. And be it further enacted, That whenever nineteen hundred of the said shares shall be subscribed for, all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees of such subscribers, shall be, and they are hereby made and created a body politic and corporate, by the name and style of "The Washington Bridge Company," and by that name may sue, and be sued, implead, and be impleaded, and do and suffer all acts, matters and things, which a body politic and corporate may lawfully do and suffer; and may have a common seal, and the same may break and alter at pleasure, and may make all by-laws, rules, regulations and ordinances for the good government and well being of the said company, and for carrying into effect the objects of their institution, so that such by-laws, rules, regulations or ordinances, be not repugnant to the laws of the United States, in force within the district of Columbia.

Sec. 3. And be it further enacted, That when nineteen hundred of the said shares shall be subscribed for, as aforesaid, or as soon after as may be, the said board of commissioners shall call a meeting of the company, at the city of Washington, by public advertisement, in one or more gazettes, published in Washington, Alexandria, or Georgetown, appointing a fit and convenient time and place of meeting, for the purpose of electing five directors, a clerk and a treasurer, and such other officers, agents and servants, as the said company may think fit to appoint, and for transacting any other business in pursuance of this act and appertaining to the nature and objects of the institution of the said

Meetings may be adjourned by the company until a quorum shall be formed.

company; and the said board of commissioners shall, if necessary, adjourn the said meeting from time to time, until a quorum shall be formed; and a majority of the said company, or the proprietors of two thirds of the number of shares actually subscribed for, their legal representatives, successors, or proxies, shall be a quorum to do business; and the said board of commissioners, before opening the said subscription books, shall ascertain and publish, in their said advertisement, a fit and convenient mode of authenticating all powers of attorney authorizing subscriptions to be made in the name of any person or persons; and before calling a meeting of the said company, shall ascertain and publish in their advertisement, a fit and convenient mode of authenticating all instruments of writing authorizing any person or persons, to act and vote at such meeting, as the proxy or proxies of any member of the said company; all which powers of attorney and instruments of writing shall be filed with the clerk of the said company, and by him be safely kept among the records and documents appertaining to his office; and as soon as a quorum of the said company, and a board of directors shall be formed, as aforesaid, all the powers, authority, and duties whatsoever, by this act vested in the said board of commissioners, shall cease and determine, and thenceforward become vested in the directors, for the time being, of the said company, under such limitations and restrictions, as the said company may think fit to prescribe; and the said board of commissioners shall account to the said company, at the first meeting of the same, for all monies received by them or their agents, on account of such subscriptions, and shall immediately pay over the same to the treasurer of the said company, or to such other person or persons, as the said company may direct and appoint: the said company, nevertheless, to allow all just credits for monies actually and necessarily expended by the said board of commissioners, in the execution of their said trust and duties.

All the powers of the company to be vested in the directors.

Directors to be annually appointed, &c. &c.

Directors may fill vacancies in the board of directors.

A meeting of the company may at any time be called by a majority of directors.

A majority of the members of the company to be a quorum.

SEC. 4. *And be it further enacted,* That there shall be annually holden, on the first Monday in January, a meeting of the said company, for the purpose of electing five directors, a clerk, and a treasurer; and the said company shall have power, at any meeting, legally called and constituted, in pursuance of this act, to displace any of their directors or officers, and to supply by a new election or appointment all vacancies that may happen among the directors or officers of the company; and the said company shall have power to prescribe and regulate the powers and duties of the said directors, and of all other officers of the company; and a majority of the said directors may, from time to time, elect one of their body as a president, and may provisionally supply, by their own election, any vacancies that may happen among the number of directors, or among any of the officers of the company, and the persons so elected by the said directors, may continue in office till the next legal meeting of the company; and the directors of the said company, to be elected, in pursuance of this act, shall, unless sooner displaced by the said company, continue in office until the first Monday in January next, succeeding their election, and from that time until a new election shall be made by the said company.

SEC. 5. *And be it further enacted,* That a meeting of the said company may, at any time, be called by a majority of the directors of the company, for the time being, and by one third of the members of the said company, or by the proprietors of one third of the shares actually subscribed for, or the legal representatives or successors of such members or proprietors: *Provided however,* that no meeting of the said company shall be legal, or valid, unless a quorum shall be formed, consisting of the majority of the members of the said company, or of the proprietors of at least two thirds of the number of shares actually subscribed for, their legal representatives, successors or proxies, nor unless

the place (being within the city of Washington) and the time of such meeting be previously advertised for three weeks successively, in one or more gazettes in the city of Washington, Alexandria or Georgetown.

SEC. 6. *And be it further enacted,* That the said shares shall be negotiable and transferable from one to another by assignments in writing, executed before two witnesses at the least, and authenticated, and registered, as the said company may prescribe and direct in their by-laws and regulations.

SEC. 7. *And be it further enacted,* That in suits at law against the said company, the first process shall be a summons, to be served on the president, or any one or more of the directors of the said company; upon the service and return of which summons, if no appearance shall be entered for the said company, at the return term, the court may order the general issue to be entered on the record, and may proceed to trial and judgment, in like manner, as if an appearance had been entered, and the issue made up by the said company; and if judgment shall be recovered against the said company, the court may order the usual process of execution, or a special writ to attach the money, goods, chattels, debts, choses in action, and tolls in the hands of any officer of the said company, or of any other person; and such attachment shall operate on the tolls thereafter to be received, which may [be] collected by a person, specially appointed by the court, for the use of the plaintiff recovering such judgment, until such judgment shall be satisfied, and the court may make such further or other order for enforcing the payment of such judgment, as may be consistent with the practice and powers of such court, as a court of law or equity, and that the shares in said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct; and that the shares held by any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from such individual in like manner as other personal property may be.

SEC. 8. *And be it further enacted,* That the amount of each share shall be paid by instalments of ten dollars at such time as the said company shall direct; and in case any instalment or instalments shall not be paid at the time appointed by the said company, or within ten days thereafter, the same may be recovered, in the name of the said company, by warrant from a justice of the peace, if the amount due shall not exceed twenty dollars; and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor shall be found; and in all such warrants and motions, the certificate of the clerk of the said company, authenticated by the president, under the common seal of the said company, shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the shares held by such defendant. And if such instalment or instalments be not paid within sixty days, after the time limited for the payment of the same, and advertised for four weeks successively, in one or more gazettes, published in Washington, Alexandria or Georgetown, the president and directors of the said company may proceed to forfeit, for the use of the company, the share or shares of the person or persons, so failing to pay.

SEC. 9. *And be it further enacted,* That the said company be, and they are hereby authorized and empowered to erect and build, or to cause to be erected and built, over the river Potomac, between the termination of Maryland avenue and Alexander's island, a good and sufficient bridge, at least thirty-six feet wide, of sound and suitable materials, and in all respects adequate for the passage of travellers, horses, cattle and carriages, with a secure railing on each side at least four feet high; of which width six feet on one side shall be appropriated to the purpose of

Shares made
negotiable and
transferable.

Mode of recov-
ering debts
from the compa-
ny.

Shares to be
deemed perso-
nal property.

Mode of pay-
ing up the
shares.

Dimensions
of the bridge to
commence from
Maryland ave-
nue, &c.

a way for foot passengers, and shall be separated from the carriage way by a good and sufficient railing at least four feet high.

A draw and wharf to be made and kept in proper order.

SEC. 10. *And be it further enacted,* That the said company shall cause to be built and kept and maintained in good repair, a convenient and sufficient draw or passage way, at least thirty-five feet wide, in the said bridge, over the main channel of the river, for the passing and re-passing of vessels, by day and by night; and shall also cause to be built, and to be kept and maintained in good repair, a well constructed and substantial wharf erected on piles on each side of the said bridge, and adjoining or near to the said draw, in every respect sufficient for ships and other vessels to lie at securely; and all ships, waiting for a passage through the said draw, may lie at such wharves, free of charge, until a suitable opportunity offers of passing through the said draw; and the said company shall, at their own cost, and without toll, cause the said draw or passage way to be hoisted or removed, without delay, for the passage of all ships and vessels with masts, that are unable to pass under the same; and if through the unskillfulness or negligence of the person or persons employed by the said company, to hoist or remove the said draw, any ship or vessel shall be unjustly or unreasonably hindered or delayed, or shall be damaged in her hull, spars or rigging, in passing the said draw, the said company shall be liable to the master or the owner or owners of such ship or vessel, for damages at the rate of six cents per ton of such ship or vessel, for each and every hour such ship or vessel shall be hindered or delayed, and for all damages in her hull, spars and rigging, as aforesaid, to be ascertained and recovered in a special action on the case, in any court of competent jurisdiction; and the said company shall constantly keep the said bridge furnished with twenty good lamps, to be well supplied with oil, and lighted in due season, four of which lamps shall be kept at the said draw, and be kept burning through the night, and the others shall be kept burning until the hour of twelve at night, under the penalty of five dollars for each offence, to be recovered by warrant before any justice of the peace, having jurisdiction, by such person or persons as shall sue for the same. And it shall be lawful for the said company, to cause each leaf of the said draw to be made of the width of twenty feet instead of thirty-six feet, the width of the said bridge; and if at any time hereafter the channel under the said principal draw of thirty-five feet shall change and shift to and under any other part of said bridge, then it shall be the duty of said company at all times to remove the former, and keep a good and sufficient draw of thirty-five feet in width over the main and principal channel, wherever the same shall pass under the said bridge: *Provided*, that the same shall appear necessary on a survey to be made by three commissioners to be appointed for that purpose by the President of the United States.

A second draw to be made across the Maryland channel.

SEC. 11. *And be it further enacted,* That the said company shall, in like manner, cause a draw or passage way, at least fifteen feet wide, to be made in the said bridge, across the other channel of the said river, near the eastern shore, commonly called the Maryland channel, subject to all the restrictions, penalties and provisions contained in the last preceding section, for keeping and maintaining the draw or passage way over the main channel of the said river, except so far as respects the building of wharves on each side thereof: *Provided*, the same shall appear necessary on a view and survey thereof, by three commissioners to be appointed for that purpose by the President of the United States.

**Proviso.
A survey to be made.**

Tolls.

SEC. 12. *And be it further enacted,* That as soon as the said bridge and wharves shall be erected and built, and furnished and completed, as required by this act, the said company shall be entitled to demand and receive, by their proper agents, servants, or officers, tolls at the following rates, viz. for each foot passenger six cents and a quarter; for each person and a horse, eighteen cents and three quarters of a cent; for each

chaise, sulky or riding chair, thirty-seven cents and a half; for each coach, coachee, stage-wagon, chariot, phaeton or curriole, or other riding carriage, one hundred cents, and the further sum of twelve cents and a half for each horse, more than two, by which such coach, coachee, chariot, phaeton, or curriole, shall be drawn; for each sled or sleigh, thirty-seven cents and a half, and the further sum of twelve cents and a half for each horse or other beast, more than two, by which such sled or sleigh shall be drawn; for each four-wheeled wagon, cart, or other four-wheeled carriage of burthen, thirty-seven cents and a half, and the further sum of twelve cents and a half, for each horse or other beast, more than two, by which the same shall be drawn; for each two-wheeled cart, dray, or other two-wheeled carriage of burthen, eighteen cents and three quarters; and the further sum of twelve cents and a half for each horse or other beast, more than one, by which the same shall be drawn; for each sheep or swine, three cents; for horses and neat cattle, other than those in teams, drawing sleds, sleighs, or carriages, or those with riders, six cents and a quarter each; and one person only to each team or drove shall be allowed to pass free of toll: *Provided*, that no toll shall be exacted at said bridge, for the passage of any wagon or carriage, laden with the property of the United States, or for the drivers thereof; or for the passage of any troops of the United States, or the militia of any state, or the district of Columbia, marching in a body, or any cannon or military equipments belonging to the United States; and it shall be the duty of the said company, to keep posted up in some conspicuous place on the said bridge, where the toll is collected, a printed list of the rates of toll allowed by this act; and for every day the same shall be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same: *Provided also*, that if the number of nineteen hundred shares shall not be subscribed within one year from the time of opening subscription books by the commissioners, as herein before directed, or if the said bridge and wharves be not erected and built, and finished and completed, as required by this act, within five years, from and after the first day of October next, or if it should remain at any time thereafter, so out of repair, for two years, as to be unsafe for travelling; then and in that case, all the powers, authority, privileges, emoluments, and immunities whatsoever, by this act granted to the said company, shall cease and determine, and become absolutely forfeited.

SEC. 13. *And be it further enacted*, That it shall be the duty of the said corporation, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said bridge to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding five hundred dollars, at the discretion of the court; and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action or actions of trespass on the case, in any court competent to try the same.

SEC. 14. *And be it further enacted*, That the toll to be taken at the said bridge shall be receivable by the said corporation, for and during the term of sixty years, to commence from the day when the said bridge shall be opened for passengers; after which time the said bridge shall be the property of the United States, and the said corporation be dissolved.

APPROVED, February 5, 1808.

Tolls.

Proviso, that no toll be exacted for the passage of any wagon or carriage laden with the property of the U. States, or of any troop of the U. States or militia of any state.

Proviso, if nineteen hundred shares are not subscribed in one year, and if the bridge be not completed in five years, &c. the authorities, &c. of this act to cease.

Bridge to be kept in good order.

Penalty.

Limitation of tolls.

STATUTE I.

Feb. 10, 1808.

CHAP. XVI.—An Act to erect a Lighthouse on Point Judith, in the state of Rhode Island.

Lighthouse
to be built on
Point Judith.

Proviso.

Appropriation.

Lighthouse to
be so construct-
ed as that the
light may be dis-
tinguished.

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 hereby is authorized and required, to cause a good and sufficient lighthouse to be erected on Point Judith, in the state of Rhode Island, and to appoint the keeper of the said lighthouse, under the direction of the President of the United States, and otherwise to provide for such lighthouse at the expense of the United States: *Provided*, that sufficient land for accommodation of such lighthouse can be obtained at a reasonable price, and the legislature of Rhode Island shall cede the jurisdiction over the same to the United States. And the sum not exceeding five thousand dollars is hereby appropriated for the purpose of defraying the expense of erecting the said lighthouse; to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause the said lighthouse to be so constructed, that the light on being discovered, may with certainty be distinguished from that of other lighthouses, heretofore erected in its neighbourhood.

APPROVED, February 10, 1808.

STATUTE I.Feb. 10, 1808.CHAP. XVII.—An Act making appropriations for the support of Government during the year one thousand eight hundred and eight.

Specific ap-
propriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditures of the civil list in the year one thousand eight hundred and eight, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, 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; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims, the following sums be, and the same hereby are respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-nine thousand two hundred dollars.

For all contingent expenses of the library of Congress, and the librarian's allowance for the year one thousand eight hundred and eight, eight hundred dollars.

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

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

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the first session of the tenth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

Specific ap-
propriations.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars.

For expense of stationery, printing, and incidental and contingent expenses of 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-one dollars.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery and printing 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 purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses of stating and printing the public accounts for the year one thousand eight hundred and eight, one thousand two hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and eight, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one 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 office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of Secretary of the Navy, two thousand dollars.

- Specific appropriations. For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.
- For contingent expenses in the office of the accountant of the navy, five hundred dollars.
- For compensation to the Postmaster-General, to the assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, sixteen thousand dollars.
- For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. two thousand five hundred dollars.
- For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.
- For compensation to the clerks of the several commissioners of loans, and for 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 surveyor-general, and for his clerks, three thousand two hundred dollars.
- For compensation to the surveyor of lands south of the state of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.
- For compensation to the 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 clerks at five hundred dollars each.
- For the wages of persons employed in the different branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron works, eight thousand and fifty dollars.
- For the repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand eight hundred and fifty dollars.
- For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.
- For incidental and contingent expenses of the executive officers of the said territory, and for express hire, and compensation of an Indian interpreter, two thousand eight hundred and fifty dollars.
- For compensation to the governor, judges, and secretary of the Mississippi territory, including additional compensation allowed the judges for the year one thousand eight hundred and seven, nine thousand four hundred dollars.
- For expense of stationery, office rent, and other contingent expenses in said territory, including a deficiency in the appropriation for these objects in the year one thousand eight hundred and seven, six hundred and fifty dollars.
- For compensation to the governor, judges, and secretary of the Indiana territory, including additional compensation allowed to the judges for the year one thousand eight hundred and seven, seven thousand eight hundred dollars.
- For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.
- For compensation to the governor, judges, and secretary of the Michigan territory, including additional compensation allowed to the judges for the year one thousand eight hundred and seven, seven thousand eight hundred dollars.

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

Specific appropriations.

For compensation to the governor, judges, and secretary of the Louisiana territory, including additional compensation allowed to the judges for the year one thousand eight hundred and seven, seven thousand eight hundred dollars.

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

For the discharge of such 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, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding, for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-three cents.

1806, ch. 41.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

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

For the payment of sundry pensions granted by the late government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred and eight, to the fourth of March one thousand eight hundred and nine, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, and certain contingent expenses, including repairs and raising Newport lighthouse, eighty-five thousand dollars.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Look-out, in North Carolina, a former appropriation of twenty thousand dollars for those objects, having been carried to the surplus fund, twenty thousand dollars.

For erecting a lighthouse on the south point of Cumberland island, in the state of Georgia, a former appropriation of four thousand dollars for that object having been carried to the surplus fund, four thousand dollars.

For erecting a lighthouse on Cape Hatteras, and beacon on Shellcastle island, in addition to the sums heretofore appropriated for those objects, one thousand one hundred and forty-five dollars, and forty-four cents.

For erecting the following lighthouses, in addition to the sums heretofore appropriated for them respectively, that is to say: for erecting a

Specific appropriations. lighthouse on New-Point Comfort, in Virginia, one hundred and seventy-seven dollars and twenty cents.

For erecting lighthouses on Long Island sound, one thousand dollars.

For erecting a lighthouse on Wood Island or Fletcher's neck, one hundred dollars.

For erecting a double lighthouse at or near Chatham harbor, on the back of Cape Cod, two thousand dollars.

For placing buoys and beacons in or near the rocks and shoals in the channel leading into the harbor of Salem, in Massachusetts, in addition to the sum heretofore appropriated for that object, five thousand dollars.

For the expenses of the boards formed in the territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to the sum heretofore appropriated for that object, thirty-three thousand three hundred dollars.

For carryingg on the surveys of the public lands in the several territories, twenty-one thousand one hundred and seventy-four dollars.

For the contingent expenses of government, the balance of former appropriations for that object having been carried to the surplus fund, twenty thousand dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For contingent expenses of intercourse with foreign nations, twenty thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For expenses of prosecuting claims in relation to captures, twelve thousand five hundred dollars.

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

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 an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 10, 1808.

1790, ch. 34.

STATUTE I.

Feb. 10, 1808.

CHAP. XVIII.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and eight.*

[Obsolete.]
Specific ap-
propriations.

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 and eight, the following sums be, and the same hereby are, respectively, appropriated; that is to say:

For the pay and subsistence of the officers, and pay of the seamen, three hundred and sixty-eight thousand and forty-eight dollars.

For provisions, one hundred and sixty-two thousand seven hundred and sixty-five dollars and ten cents.

For medicines, instruments and hospital stores, five thousand dollars.

For repairs of vessels, one hundred and ninety-five thousand dollars.

For freight, store rent, commissions to agents and other contingent expenses, seventy-five thousand dollars.

For pay and subsistence of the marine corps, including provisions for

those on shore, and forage for the staff, one hundred and sixty thousand one hundred and thirty-one dollars and ninety cents. Specific appropriations.

For clothing for the same, twenty-nine thousand nine hundred and thirty-three dollars and eighty cents.

For military stores for the same, nine thousand six hundred and fifty-four dollars.

For medicine, medical services, hospital stores and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermaster's and barrack-master's stores, officer's travelling expenses, armorer's and carpenter's bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses, fourteen thousand and thirty-five dollars.

For the expense of navy yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

SEC. 2. And be it further enacted, That the several sums herein specifically appropriated shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 10, 1808.

STATUTE I.

CHAP. XIX.—*An Act to revive and continue certain causes and proceedings in the District Court of the District of Columbia.*

Feb. 10, 1808.

[Obsolete.]
Causes, &c.
&c. pending in
district court of
the District of
Columbia con-
tinued over from
last October to
next April term.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all causes, suits, actions, writs, process and proceedings, which were pending in the district court of the district of Columbia at the time appointed by law for holding a session thereof, on the first Tuesday of October last past, or which were returnable to the session of the said court which ought to have been holden on the first Tuesday of October, shall be, and the same are hereby revived, reinstated and continued over to the next stated session of the said court, to be holden on the first Tuesday of April next, in the same manner and condition, and the same further proceedings may be had therein, as if a session of the said court had been, on the said first Tuesday of October, holden according to law, and as if a regular continuance of all the said causes, suits, actions, writs, process and proceedings had been duly entered upon the records of the said court.

APPROVED, February 10, 1808.

STATUTE I.

CHAP. XX.—*An Act making appropriations for carrying into effect certain Indian Treaties.*

Feb. 19, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Choctaw nation of Indians, concluded at Pooshapukanuk, in the Choctaw country, on the sixteenth day of November, one thousand eight hundred and five, the following sums be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say:

To the said Choctaw nation, fifty thousand five hundred dollars, and the further annual sum of three thousand dollars.

To each of the three great Medal Mingoës, Pukshunnubbee, Mingo Hoomastubbee and Pooshamattaha, five hundred dollars, and a further annual sum of one hundred and fifty dollars to each of the said Mingoës during his continuance in office.

Specific appropriations.

Specific appropriations.

SEC. 2. And be it further enacted, That for the purpose of carrying into effect a treaty between the United States and the Ottoway, Chippeway, Wyandotte and Pottawatamie nations of Indians, concluded at Detroit on the seventeenth day of November, in the year one thousand eight hundred and seven, the following sums be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say:

Ten thousand dollars to be paid to the said nations in the following proportions:

To the Ottoway nation three thousand three hundred and thirty-three dollars thirty-three cents and four mills.

To the Chippeway nation three thousand three hundred and thirty-three dollars thirty-three cents and four mills.

To the Wyandotte nation one thousand six hundred and sixty-six dollars sixty-six cents and six mills.

To the Pottawatamie nation one thousand six hundred and sixty-six dollars sixty-six cents and six mills; and the further annual sum of two thousand four hundred dollars, to be paid to the said nations in the following proportions:

To the Ottoways eight hundred dollars.

To the Chippeways eight hundred dollars.

To the Wyandottes four hundred dollars: and to such of the Pottawatamies as now reside on the river Huron or Lake Erie, the river Raisin, and in the vicinity of the said rivers, four hundred dollars.

SEC. 3. And be it further enacted, That the several sums appropriated by this act, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 19, 1808.

STATUTE I.

Feb. 19, 1808.

CHAP. XXI.—An Act to provide for the payment of certain expenses incurred in the inquiry into the conduct of John Smith, a Senator from the state of Ohio.

[Obsolete.]

Accounts of persons having claims against the U. States for expenses authorized in the inquiry into the conduct of John Smith, (Senator) to be settled and paid.

Per diem allowance to witnesses.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury be, and they are hereby directed to audit and settle the accounts of all persons who may have claims against the United States, for expenses incurred in the inquiry into the conduct of John Smith, a Senator of the United States, from the state of Ohio, as an alleged associate of Aaron Burr; which expenses may have been authorized by the committee of inquiry, or by order of the Senate: **Provided**, that the said accounts shall have been first certified by the chairman of the committee, or by the secretary of the Senate.

SEC. 2. And be it further enacted, That to every witness before the said committee of inquiry, or before the Senate upon the said inquiry, there shall be allowed and paid for every day's attendance thereon, the sum of three dollars. And to defray the said expenses, there is hereby appropriated the sum of five hundred dollars, to be paid from any monies in the treasury, not otherwise appropriated.

APPROVED, February 19, 1808.

STATUTE I.

Feb. 25, 1808.

CHAP. XXII.—An Act making additional compensation to the Marshals for the Districts of North Carolina and New Jersey.

Additional compensation to the marshals of N. Carolina and N. Jersey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of March next, there shall be paid annually to the marshal for the district of North Carolina, the sum of four hundred dollars; to the

marshal for the district of New Jersey, the sum of two hundred dollars, in addition to the fees and emoluments heretofore allowed them by law.

APPROVED, February 25, 1808.

CHAP. XXIV.—*An Act extending the right of suffrage in the Indiana territory.* (a)

STATUTE I.

Feb. 26, 1808.

[Obsolete.] Qualifications of electors.

Act of April 19, 1816, ch. 57.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every free white male person in the Indiana territory, above the age of twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land of the quantity of fifty acres, or who may become the purchaser from the United States of a tract of land of the quantity of fifty acres, or who holds in his own right a town lot of the value of one hundred dollars, shall be entitled to vote for representatives to the general assembly of the said territory.

APPROVED, February 26, 1808.

CHAP. XXV.—*An Act supplementary to the act intituled “An act to prohibit the importation of certain goods, wares and merchandise.”* (b)

STATUTE I.

Feb. 27, 1808.

Act of April 18, 1806, ch. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act to which this is a supplement shall be so construed as to prohibit the importation of the following articles, that is to say:

First. Wrappers and outside packages, in which goods, the importation of which is not prohibited, usually are and shall be wrapped or packed, at the time of their importation.

Articles not interdicted.

Second. Bags or sacks in which salt shall be imported.

Third. Glass bottles or phials in which drugs, medicines, or any other article, the importation of which is not prohibited, shall be imported.

Fourth. Printed books, maps and charts.

Fifth. Watches, tradesmen's and artificers' tools; mathematical, astronomical and surgical instruments; gilt buttons, locks and all other articles manufactured partly of brass, and partly of any other metal.

Sixth. Shalloons and woollen stuffs, muskets, bayonets, swords, cutlasses and pistols.

SEC. 2. *And be it further enacted,* That the articles of the following description shall be held and considered as being embraced by the description of articles, the importation of which is prohibited by the act to which this act is a supplement, that is to say:

All articles manufactured entirely of silk and wool, or of silk and flax, or of flax and wool; floor cloths; woollen cassimeres, carpets, carpeting and mats, whose invoice prices shall exceed five shillings sterling per square yard.

Articles prohibited.

SEC. 3. *And be it further enacted,* That no articles imported on board any vessel of the United States, cleared out before the fourteenth day of December last, from any port within the United States, or the territories thereof, shall be subject to the prohibition enacted by the act to which this act is a supplement: *Provided*, that such vessels which may have cleared for any port beyond the Cape of Good Hope, shall return to some port in the United States, or its territories, within twelve months: *And provided*, that such vessels as shall have cleared from any other port shall return as aforesaid within six months from the said fourteenth day of December.

No vessel which cleared out from the U. States before December 14, 1805, subject to this law, &c.

APPROVED, February 27, 1808.

(a) Indiana was incorporated into the Union by the act of April 19, 1816, chap. 57.

(b) Repealed by act of March 1, 1809, chap. 24, sec. 17.

STATUTE I.
Feb. 29, 1808.

Reserved lands in Ohio with certain exceptions, to be offered for sale.

1807, ch. 49.

Such sections to be previously offered at public sale.

No reserved sections to be sold at less than four dollars per acre.

CHAP. XXVI.—An Act making further provision for the disposal of the sections of land heretofore reserved for the future disposition of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the sections of land heretofore reserved for the future disposition of Congress, not sold or otherwise disposed of, and lying within either of the districts established for the disposition of public lands in the state of Ohio, with the exception of the section numbered sixteen of the salt springs and lands reserved for the use of the same, shall be offered for sale in that district, within which such reserved sections may respectively lie, on the same terms, and under the same regulations, as other lands in the same district: *Provided*, that such sections shall previously be offered to the highest bidder, at public sales, to be held under the superintendence of the registers and receivers of public monies of the land-offices respectively to which they are attached, on the same terms as have been provided by law for the public sales of the other lands of the United States, and on such day or days as shall, by a proclamation of the President of the United States, be designated for that purpose: *And provided also*, that no such heretofore reserved section shall be sold either at public or private sale, at a less price than four dollars per acre.

APPROVED, February 29, 1808.

STATUTE I.

March 3, 1808.

CHAP. XXVII.—An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and eight.

Specific appropriations.
[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and eight; for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay of the army of the United States, three hundred and two thousand nine hundred and fifty-two dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and forty-two thousand five hundred and forty-eight dollars and thirty-five cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, fuel, tools and transportation, ninety thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand six hundred and forty-two dollars, and five cents.

For purchasing maps, plans, books, and instruments, fifteen hundred dollars.

For contingencies, eighteen thousand dollars.

For ordnance, forty-five thousand dollars.

For tents, twenty thousand dollars.

For extra transportation of military stores, twenty-five thousand dollars.

For the Indian department, one hundred and forty thousand six hundred dollars.

SEC. 2. And be it further enacted, That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1808.

CHAP. XXVIII.—*An Act to allow the importation of old copper, saltpetre and sulphur, free of duty.*

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, no duty shall be demanded or collected on the importation of old copper, which term shall apply only to such copper manufactures as have been worn out or otherwise so damaged as to be unfit for any other purpose than that of supplying a raw material, to be manufactured anew. And it shall be lawful for the collector of the port or district in which such old copper shall arrive, should any doubt arise whether such importation comes within the intent and meaning of this act, to appoint one person, and the owner, importer, or consignee, to appoint another, who shall ascertain whether the copper imported comes under the denomination of old copper, as above described; and the proceedings in this instance shall be conducted in the like manner and form as the proceedings are directed to be had by the fifty-second section of the act passed the second of March, one thousand seven hundred and ninety-nine, regulating the collection of duties on imports and tonnage, in cases of incomplete entry, or of damage sustained by goods, wares and merchandise during the voyage.

SEC. 2. And be it further enacted, That from and after the said thirty-first day of March next, no duty shall be demanded or collected on the importation of saltpetre or sulphur.

APPROVED, March 4, 1808.

STATUTE I.
March 4, 1808.

[Obsolete.]
Old copper
may be import-
ed free from duty
after March
31, 1808.

Persons to
determine if the
article imported
is within the
provision of this
act.

1799, ch. 22,
sec. 52.

Saltpetre and
sulphur may al-
so be imported
free from duties.

CHAP. XXIX.—*An Act in further addition to an act intituled “An act to amend the judicial system of the United States.”*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court of the United States, in the second circuit, shall consist of the justice of the supreme court residing within said circuit, and the district judge of the district in which such court may be holden.

SEC. 2. And be it further enacted, That within the district of Georgia, the circuit court to be holden in the month of December, annually, shall hereafter be holden at Milledgeville, instead of Louisville.

SEC. 3. And be it further enacted, That instead of the times heretofore established by law for holding the fall terms of the district court for the district of North Carolina, the same be commenced and holden in future on the following days, that is to say: at Wilmington, in and for the district of Cape Fear, on the third Monday of October; at Newbern, in and for the district of Pamptico, on the Friday next after the third Monday of October, and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the third Monday of October, annually. And that all actions, suits, writs, process, pleadings, and other proceedings commenced, or to be commenced, or which shall be now pending in any of the district courts of the district of North Carolina, for the terms aforesaid, shall be continued over and have day according to the alterations hereby made and established, any thing in any former act or acts to the contrary notwithstanding.

APPROVED, March 9, 1808.

STATUTE I.
March 9, 1808.

Act of April
29, 1802, ch. 31.
Of what judges
the circuit court
of the second
circuit shall be
composed.

December
term of circuit
court for Geor-
gia district to be
held at Mil-
ledgeville.

Act of Feb. 4,
1807, ch. 5.

Terms of the
district court of
N. Carolina
changed.

Act of Jan.
23, 1812, ch. 17.

Causes, &c.
&c. continued
over, accord-
ingly.

**CHAP. XXX.—*An Act for extending the terms of credit on revenue bonds in cer-
tain cases, and for other purposes.***

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

STATUTE I.
March 10, 1808.

[Obsolete.]
Act of March
1, 1809, ch. 24,
sec. 7.

Payment of duties on the importation of coffee, &c. &c. suspended.

Act of Dec. 22, 1807, ch. 5, not to apply to duties due for any of the articles which have been re-exported or which are not entitled to drawback.

Old bonds to be delivered up, and new ones given.

Act of March 2, 1799, ch. 22.

Same regulations with respect to goods stopped by the embargo law, and laden on board vessels for re-exportation when it went into force, &c. &c.

1799, ch. 22.

given for duties on the importation of coffee, sugar, pepper, Indigo, cocoa, and wine paying a duty of twenty-three cents per gallon, which remain unpaid at the passing of this act, and have or may become due, subsequent to the twenty-second of December last, and whilst the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall continue in force, may be suspended during the continuance of the said act, on the terms and conditions herein after provided: *Provided*, that such extension of credit shall not apply to the duties due for any of the above described articles, which either have been re-exported, or are not entitled to be exported with benefit of drawback, nor to any which have been, or will be sold by the importer.

SEC. 2. *And be it further enacted*, That the persons entitled to the extension of credit, allowed by the preceding section, shall, in order to enjoy its benefit, take up, or have cancelled, the bonds heretofore given for duties, on which the extension of credit is allowed, and give to the collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of their former bonds respectively, payable whenever the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall no longer be in force: which bonds shall be accepted by the collectors respectively, upon the terms following, that is to say: the goods for the duties whereon such bonds shall be accepted, shall be deposited at the expense and risk of the importer or importers, parties to the said bonds, in one or more store-house, or store-houses, in the same manner as is now provided for the deposit of teas, by the sixty-second section of the act intituled "An act to regulate the collection of duties on imports and tonnage," but no delivery of the said goods, or of part thereof, shall be made to the owners thereof, unless the duties on so much thereof, as may, on the application of the owners, be thus delivered, shall have been paid. And whenever the sum specified in any of the bonds taken by virtue of this section shall become due and remain unpaid more than forty-five days, so much of the said deposited goods as may be necessary shall be sold by the collector at public sale, and the proceeds thereof, after deducting the charges of safe-keeping and sale thereof, shall be applied to the payment of such sum, rendering the overplus arising on such sale and the residue of the goods so deposited, if any there be, to the person or persons, by whom such a deposit shall have been made, or to his or their agent or lawful representative. But if the proceeds of such sale shall not be sufficient to pay the duties and charges, or if any of the goods shall, while deposited, be destroyed, stolen, lost, or damaged, the bonds taken by virtue of this section, for the payment of duties on such goods, shall be proceeded with, in all respects, as other bonds taken by collectors for duties due to the United States.

SEC. 3. *And be it further enacted*, That whenever any goods, wares or merchandise, which, being entitled to be exported with benefit of drawback, had, prior to the twenty-second day of December last, been actually laden on board a vessel, and inspected under the superintendence of a proper officer, in conformity with the provisions of the seventy-sixth section of the act intituled "An act to regulate the collection of duties on imports and tonnage," have been detained under the act laying an embargo on all ships and vessels in the ports and harbors of the United States, so as to prevent the actual exportation of such goods, wares and merchandise, the payment of bonds given for duties on the importation of the same, may, to an amount equal to that of such duties, and no farther, be suspended during the continuance of the last mentioned act, in the same manner, and on the same terms and conditions, as is provided by the preceding section for bonds given for duties on certain specified articles: *Provided*, that the owners of such goods, wares and

merchandise, shall surrender any debentures which previously have been granted for the drawback of duties on the same.

SEC. 4. And be it further enacted, That the persons entitled to the extension of credit allowed by the next preceding section, may, at their option, either deposit the goods, wares and merchandise, in a store-house or store-houses, or leave the same on board the vessel on which the same have been laden; the said goods, wares and merchandise, being in either case secured in the same manner as is provided for goods deposited in conformity with the second section of this act: *Provided always*, that whenever it may be lawful to export such goods, wares or merchandise, it shall be necessary that the same should again be inspected by a proper officer on board the vessel in which the same shall be exported, in order to entitle the exporter to the benefit of drawback: nor shall any debentures for drawback of duties on such goods, wares and merchandise be issued or paid, until after the actual exportation of the same. *And provided also*, that nothing herein contained shall be construed to prevent the owners of such goods, wares and merchandise, who may not claim the extension of credit allowed by this act, and who have not received debentures for the drawback of duties on the same, from landing and keeping in their possession any such goods, wares and merchandise.

APPROVED, March 10, 1808.

Debentures
already granted
to be surrendered.

What must be
done by those
entitled to an
extension of
credit.

Proviso.

Proviso.

CHAP. XXXI.—*An Act for procuring an additional number of Arms, and for the purchase of saltpetre and sulphur.*

STATUTE I.

March 11, 1808.

[Obsolete.]
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money not exceeding three hundred thousand dollars be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the purpose of procuring by purchase, or causing to be manufactured within the United States, and under the direction of the President of the United States, an additional number of stands of arms to be deposited in safe and suitable places. And for the purchase of saltpetre and sulphur, a sum not exceeding one hundred and fifty thousand dollars.

APPROVED, March 11, 1808.

Appropriation.

CHAP. XXXIII.—*An Act in addition to the act, intituled “An act supplementary to the act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States.”* (a)

STATUTE I.

March 12, 1808.

[Repealed.]
Act of Jan. 9,
1808, ch. 8.
Act of April
25, 1808, ch. 66.
Act of March
1, 1809, ch. 24.
Owners of un-
registered ves-
sels not allowed
clearances but
on certain con-
ditions.

Foreign ves-
sels made sub-
ject to the con-
ditions, also, in
their clear-
ances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the act intituled “An act laying an embargo on all ships and vessels in the ports and harbors of the United States,” no ship, vessel or boat of any description whatever, owned by citizens of the United States, and which is neither registered, licensed or possessed of a sea letter, shall be allowed to depart from any port of the United States, or shall receive a clearance; nor shall any foreign vessel be allowed to depart from any port of the United States, with a cargo destined for another port of the United States, or shall receive a clearance for that purpose, until the owner or owners, consignee or factors of such American or foreign vessel shall, with the master, give bond, with one or more sureties to the United States in case of a vessel owned by citizens of the United States, in a sum double the value of the vessel and cargo, and in that of a foreign vessel four times the value of the vessel and cargo, that

(a) See notes to act of December 22, 1807, chap. 5.

Proviso.

the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient, in the case of any such American vessel, whose employment has uniformly been confined to rivers, bays, sounds and lakes, within the jurisdiction of the United States, to give bond in an amount equal to two hundred dollars for each ton of said vessel, with condition that such vessel shall not be employed in any foreign trade during the time limited in the condition of the bond.

Bonds not required in cases of boats and vessels not masted, engaged in the river trade, where the adjacent territory does not belong to a foreign nation: but in particular instances the Secretary of the Treasury may require them.

1807, ch. 5.

Time within which certificates of re-lading must be produced.

1807, ch. 5.

SEC. 2. And be it further enacted, That no bond shall be required of boats not masted, or if masted, not being decked, whose employment has been, and shall continue to be confined to rivers, bays and sounds, within the jurisdiction of the United States, and lying within districts which are not adjacent to the territories, colonies or provinces of a foreign nation, whether such boats be licensed or not, and unless in the opinion of the Secretary of the Treasury, such bond be necessary, and in case the secretary shall deem such bond necessary, it shall be lawful and sufficient for the owner of the boat, to give bond in an amount equal to thirty dollars for each ton of said boat, with condition that such boat shall not be employed in any foreign trade during the continuance of the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

SEC. 3. And be it further enacted, That in every case where a bond hath been or shall be given to the United States under this act, or under the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or under the act supplementary to the last mentioned act, with condition that certain goods, wares and merchandise, or the cargo of a vessel shall be relanded in some port of the United States; the party or parties to such bond shall, within four months after the date of the same, produce to the collector of the port, from which the vessel had been cleared with such goods, wares, merchandise or cargo, a certificate of the relanding of the same from the collector of the proper port, on failure whereof the bond shall be put in suit, and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss by sea, or other unavoidable accident.

Penalties and forfeitures for exporting goods, &c. &c.

1807, ch. 5.

SEC. 4. And be it further enacted, That it shall not be lawful to export from the United States, in any manner whatever, any goods, wares or merchandise, of foreign or domestic growth or manufacture, and if any goods, wares or merchandise shall, during the continuance of the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and of the act supplementary to the last mentioned act, contrary to the prohibitions of this act, be exported from the United States, either by land or water, the vessel, boat, raft, cart, wagon, sleigh, or other carriage, in which the same shall have been exported, shall, together with the tackle, apparel, horses, mules, and oxen, be forfeited, and the owner or owners of such goods, wares or merchandise, and every other person knowingly concerned in such prohibited exportation, shall each respectively forfeit and pay a sum not exceeding ten thousand dollars for every such offence: *Provided however*, that nothing in this section contained shall be construed to prevent foreign vessels from departing from the ports of the United States with the cargo or cargoes which may be on board of the same, when notified of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, in conformity with the provisions of the said act, nor to take away any power conferred on the President by the last mentioned act, nor to prevent foreign vessels from furnishing themselves with necessary provisions and sea stores for the voyage, nor fishing vessels from departing with sea stores, salt, and their usual fishing tackle and apparel, in the manner prescribed by the act supplementary to the aforesaid act.

Nothing in this act shall prevent foreign vessels departing with the cargo on board when notified of this act.

SEC. 5. And be it further enacted, That on the return into the United States of any fishing vessel, such as is described by the second section of the act, supplementary to the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," which shall have sailed subsequent to the passage of the last mentioned acts, it shall be the duty of the master and mate to declare, on oath or affirmation, before the collector, whether any part of the fishing fare has been sold during the voyage, and in default of taking such oath or affirmation, the master and mate shall each respectively forfeit and pay one hundred dollars: **Provided**, that the aforesaid oath or affirmation may be dispensed with so far as relates to the fishery on our own coasts in the customary small vessels.

Masters and
mates of fishing
vessels to make
declarations,
under oath,
whether any
part of their
fishing fare has
been sold, &c.
&c.

1808, ch. 8.
Proviso.

SEC. 6. And be it further enacted, That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred.

Penalties and
forfeitures.

How to be
distributed.

1799, ch. 22.
1797, ch. 13.

SEC. 7. And be it further enacted, That the President of the United States be, and he is hereby authorized, if he shall be satisfied by a statement or account current on oath or affirmation of any citizen or citizens of the United States, and such other proof as the nature of the case will admit, or the President may require, that such citizen or citizens have property of value in any port or place without the jurisdiction of the United States, arising from property actually without such jurisdiction, prior to the twenty-second day of December last, to grant, on application, permission to such citizen or citizens, to dispatch a vessel in ballast to such port or place, for the purpose of importing into the United States such property: **Provided**, that bond with sufficient security be given to the United States, under the direction of the Secretary of the Treasury, in such a sum as he shall deem necessary, with the following conditions, to wit: that such vessel shall not export from the United States any specie or any goods, wares, or merchandise, of foreign or domestic growth or manufacture, necessary provisions and stores excepted, that she shall return (reasonable time being allowed for performing the voyage) to the United States with such property, and that she shall not during the voyage, either directly or indirectly, be engaged in any traffic, freighting or other employment, and that no goods, wares or merchandise shall be imported in such vessel other than the property for which such vessel shall obtain such permission, or the proceeds of property shipped bona fide by a citizen or citizens of the United States prior to the said twenty-second day of December last: **And provided also**, that the bond herein directed to be taken shall not be cancelled, unless the Secretary of the Treasury be satisfied, either by the oath of the party or parties to the same, or such other proof as the nature of the case will admit, that the conditions of the said bond have been complied with: **And provided further**, that the owner or owners, factor or agent, master and mate of such vessel, shall, on her return to the United States, make oath or affirmation that such vessel hath not, to the best of their knowledge and belief, during the voyage for which such permission had been granted, either directly or indirectly been employed in any act contrary to the tenor of such bond.

President au-
thorized to
grant permis-
sion to citizens
of the U. States
to send vessels
in ballast, for
property which
they may have,
out of the U.
States jurisdic-
tion.

Proviso.
Conditions in
the bond.

Bond not to
be cancelled
unless the Sec-
retary of the
Treasury shall
be satisfied.

Owner, agent
and master to
make oath.

APPROVED, March 12, 1808.

STATUTE I.

March 13, 1808.

[Obsolete.]

Duties remitted.

CHAP. XXXIV.—*An Act remitting the duties payable on the importation of a monument to be erected in memory of the officers of the United States Navy, who fell during the attack made on the city of Tripoli, in the year one thousand eight hundred and four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties payable according to law, on the importation of a monument imported in the frigate Constitution from Italy, on account of the officers of the United States navy, be, and they are hereby remitted.

APPROVED, March 13, 1808.

STATUTE I.

March 17, 1808.

Upon a cession of jurisdiction by the state of Georgia a lighthouse to be erected, provided, &c. &c. on the island of Sapelo.

CHAP. XXXV.—*An Act for erecting a Lighthouse on the south point of the island of Sapelo, and for placing buoys and beacons in the shoals of the inlet leading to the town of Darien, and near the entrance of Ipswich harbor, near Plymouth harbor, before the harbor of Nantucket, and on the island of Tuckanuck, at or near the entrance of Connecticut river, and near the entrance of Great Egg Harbor river.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as the jurisdiction of so much of the head land of the south point of the island of Sapelo, in the state of Georgia, as the President of the United States shall deem sufficient for the purpose of erecting a lighthouse and its appurtenances, shall have been ceded to the United States, provided the said land can be obtained at a reasonable price, it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President of the United States, for building a lighthouse thereon, and furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President, for the superintendence and care of building the said lighthouse. And the President is hereby authorized to make the said appointment.

Buoys to be placed in the entrance of the inlet leading into Darien.

Beacons and buoys to be fixed at sundry places.

SEC. 2. *And be it further enacted, That the Secretary of the Treasury be further authorized and directed to cause to be placed four buoys on the shoals called the South and North banks of the harbor or entrance of the inlet leading to the town of Darien.*

SEC. 3. *And be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized to cause to be erected and placed beacons and buoys at the following places, to wit: two beacons and three buoys near the entrance of Ipswich harbor; three buoys, one on Gurnet rock, one on Boss rock, and one on Deek's flats, and two beacons on the stony muscle bed, near Plymouth harbor; three additional buoys before the harbor of Nantucket, and a buoy or leading mark on the island of Tuckanuck, in the state of Massachusetts—three buoys at or near to the entrance of Connecticut river, and three buoys to be placed at or near the entrance of Great Egg Harbor river, in the state of New Jersey.*

Appropriation.

SEC. 4. *And be it further enacted, That there shall be appropriated and paid out of any monies in the treasury, not otherwise appropriated, a sum not exceeding eleven thousand five hundred dollars, for the purposes aforesaid.*

APPROVED, March 17, 1808.

CHAP. XXXVII.—*An Act extending the time for issuing and locating military land warrants.(a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants to such persons as have, or shall, before the first day of March, one thousand eight hundred and ten, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued and not yet satisfied, shall and may be located in the names of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and ten, on any unlocated parts of the fifty quarter townships and the fractional quarter townships, reserved by law for original holders of military land warrants.

APPROVED, March 21, 1808.

STATUTE I.

March 21, 1808.

[Obsolete.]

Secretary of War may issue land warrants to 1st March, 1810.

1809, ch. 3.

CHAP. XXXVIII.—*An Act to amend the act intituled “An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio.”*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the second section of the act, intituled “An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio,” passed the twenty-fourth day of February, eighteen hundred and seven, constituting the state of Tennessee one district, for the purpose of holding circuit courts therein, shall be, and is hereby repealed, and from and after the passage of this act, the state of Tennessee shall be divided into two districts, for the purpose of holding circuit courts therein, and the limits of the said districts shall be the same as those now prescribed for the districts of East and West Tennessee, in and by the fourth section of the above recited act, and there shall be holden annually in each of the said two districts, one circuit court, to consist of one justice of the supreme court of the United States and the district judge of the said districts of East and West Tennessee, and the sessions of the said courts shall be held in each of the said districts, at Nashville on the second Monday in June, and at Knoxville on the third Monday in October annually, and that all actions, causes, pleas, processes and other proceedings relative to any cause civil or criminal, which shall be returnable to, or depending in the said circuit court of the United States, to be held at Nashville on the first Monday of June next, shall be returned, and held continued to, and be proceeded upon, on the second Monday in June next, in the same manner they would have been if this change had not taken place.

SEC. 2. And be it further enacted, That where any suit or suits has or have been brought, or is or are now pending before the circuit court held at Knoxville, in and for the district of East Tennessee, against a person residing in said district of East Tennessee, such suit or suits shall be proceeded upon and finally determined in the district of East Tennessee, and where any suit or suits has or have been brought, or is or are now pending before the circuit court held at Nashville, in and for the district of West Tennessee, against a person residing in the said district of West Tennessee, such suit or suits shall be proceeded upon and finally determined in the district of West Tennessee.

SEC. 3. And be it further enacted, That it shall be the duty of the district judge of Tennessee to attend at Knoxville on the first Thursday after the third Monday in April next, and on the first Thursday after the

STATUTE I.

March 22, 1808.

Act of March 23, 1804, ch. 31.

Act of Feb. 24, 1807, ch. 16.

Act of Feb. 4, 1809, ch. 14. Part of a former law repealed.

State of Tennessee divided into two districts.

Limits of districts.

A circuit court to be annually holden in each.

Sessions of the court.

Causes continued over, &c. &c.

In what courts suits shall be brought and determined.

Rules to be held for the districts—at what times, &c. &c.

third Monday in April of each and every year thereafter, and at Nashville on the first Thursday after the fourth Monday in November next, and on the first Thursday after the fourth Monday in November of each and every year thereafter, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings returned to the circuit court next to be holden thereafter at Knoxville, and Nashville, or depending therein, preparatory to the hearing, trial, or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings; and all writs and process may be returnable to the said courts on the first Thursday after the third Monday in April, at Knoxville, and on the first Thursday after the fourth Monday in November, at Nashville, in the same manner as to the sessions of the circuit court, directed to be held by this act in the district of East Tennessee, at Knoxville, and in the district of West Tennessee, at Nashville; and the said writs, returnable to the circuit courts to be held at Knoxville, may also bear test on the said first Thursday after the third Monday in April; and the writs returnable to the circuit court to be held at Nashville may bear test on the first Thursday after the fourth Monday in November, as though a session of the said circuit court was holden on those days at Knoxville and Nashville respectively.

Process and
proceedings to
be regulated ac-
cordingly.

Clerks of cir-
cuit courts to be
appointed, &c.
&c. for each cir-
cuit.

Causes to be
continued over,
which were
commenced at
Nashville and
Knoxville.

SEC. 4. *And be it further enacted,* That there shall be two clerks appointed, one for the circuit court to be held at Knoxville, and one for the circuit court to be held at Nashville, whose duty it shall be to attend the said district judge on the said first Thursday after the third Monday in April, and on the said first Thursday after the fourth Monday in November, of each and every year, at the places aforesaid, who shall make due entry of all such matters and things as shall or may be ordered by the said judge, and at each and every of the said sessions so held for the purpose aforesaid, all actions, pleas, and other proceedings relative to any cause, civil or criminal, shall, for the circuit court to be held at Nashville, be continued over to the ensuing second Monday in June, and shall, for the circuit court to be held at Knoxville, be continued over to the ensuing third Monday in October.

SEC. 5. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, civil or criminal, which were originally returned to the circuit court begun and held at Nashville, on the first Monday in June last; and all writs, process, and proceedings, as aforesaid, which are, [or] may be made returnable to the said circuit court to be held at Nashville, shall, after the next June term of the circuit court, be continued, returned to, and have day in the session to be held by this act, on the first Thursday after the fourth Monday in November next, and all actions, suits, process, pleadings and other proceedings of what nature or kind soever, civil or criminal, which were originally returned to the circuit court begun and held at Knoxville, on the third Monday in October last; and all writs, process, and pleadings as aforesaid which are or may be made returnable to the said circuit court, shall be continued, returned to, and have day in the session to be held by this act, on the first Thursday after the third Monday in April next; and such proceedings shall be had thereon, at the said session, as are herein before provided.

APPROVED, March 22, 1808.

STATUTE I.

March 30, 1808.

[Expired.]

President au-
thorized to call
upon the state
executives to
1812, ch. 55.

CHAP. XXXIX.—An Act authorizing a detachment from the Militia of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at such times as he shall deem necessary, to require of the executives of the several states and

territories, to take effectual measures to organize, arm and equip according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the department of war, and in cases where such returns have not been made, by such other data as he shall judge equitable.

SEC. 2. And be it further enacted, That the executives of the several states and territories may accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months after they arrive at the place of rendezvous.

SEC. 3. And be it further enacted, That the detachment of militia and volunteers aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective states and territories, the President apportioning the general officers among the respective states and territories, as he may deem proper.

SEC. 4. And be it further enacted, That the said detachments shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous, and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, as are established by law for the army of the United States.

SEC. 5. And be it further enacted, That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of said detachment, when he shall judge that the exigencies of the United States require it; and, if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof, as the President of the United States shall deem proper.

SEC. 6. And be it further enacted, That a sum not exceeding one million of dollars be, and the same is hereby appropriated, out of any monies in the treasury, not otherwise appropriated, for the pay, subsistence, and support of such part of said detachment as may be called into actual service.

SEC. 7. And be it further enacted, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

APPROVED, March 30, 1808.

organize and equip their quotas of militia.

Apportionment, how made.

Executives of states may accept corps of volunteers.

Detachment of militia,—how to be officered.

General officers to be apportioned by the President.

Term of service of the detachment; allowance of pay, rations, &c.

President may call the whole or part of detachment into service.

Appropriation.

Limitation of this act.

CHAP. XL.—An Act concerning the sale of the Lands of the United States, and for other purposes.(a)

March 31, 1808.

Act of March 3, 1803, ch. 27.

Act of March 27, 1804, ch. 35.

Act of June 30, 1812, ch. 110.

Public lands may be offered for sale in such proportions as the President chooses.

Part of a former act revived.

Act of April 21, 1806, ch. 46.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States has been or may be authorized to cause the public lands, in any land district, to be offered for sale, it shall be lawful, whenever he shall think it convenient, to offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times, to offer for sale in the same manner, any other part, or the remainder of the lands contained in the same.

SEC. 2. And be it further enacted, That the fourth section of an act passed the twenty-first day of April, one thousand eight hundred and six, intituled "An act in addition to an act, intituled An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee," be revived and continued in force until the first day of October next: and in any case where a donation shall be granted in lieu of a pre-emption certificate, agreeable to the provisions of the said fourth section, the money, if any shall

(a) See notes to act of March 3, 1803, chap. 27.

have been paid, shall be by the receiver of the public money repaid to the person or persons who have paid the same.

Settlers on the river Mobile allowed a further time to put in their claims.

Act of March 3, 1803, ch. 27.

Reports to be made by the registers of the land-offices east and west of Pearl river, to the Secretary of the Treasury, &c. &c.

Certain lands to which Indian title has been extinguished, to be attached to land district east of Pearl river.

Actual settlers on lands of the U. States in Mississippi territory, allowed a further time.

1807, ch. 46.

Right of U. States to two

SEC. 3. *And be it further enacted,* That certain settlers on the river Mobile, in the Mississippi territory, east of Pearl river, who reside near the line of demarcation, between the United States and Spain, run in pursuance of the treaty of the twenty-seventh day of October, one thousand seven hundred and ninety-five, and whose claims to land has not been decided on according to law, shall be allowed until the first day of October next, to file a notice in writing with the register of the land-office, stating the nature and extent of their claims, together with a plat of the tract or tracts claimed; and the said register of the land-office, and the receiver of public monies, are hereby required to hear and determine such claims according to the several acts of Congress "regulating the grants of land and providing for the disposal of the lands of the United States south of the state of Tennessee," and to grant certificates in the form heretofore prescribed by the board of commissioners in said district.

SEC. 4. *And be it further enacted,* That it shall be the duty of the registers of the land-office east and west of Pearl river, in the Mississippi territory, to transmit to the Secretary of the Treasury of the United States, on or before the first day of November next, a full and fair report of all the claims of certain persons to lands in the Mississippi territory, founded upon British or Spanish warrants or orders of survey granted prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, not confirmed by former laws regulating the grants of lands in said territory, which have heretofore been regularly filed with the register of the land-office aforesaid, together with the evidence in support of such claims respectively, and to be by him laid before Congress at their next ensuing session. And the land contained in such warrants or orders of survey shall not be disposed of until otherwise directed by law.

SEC. 5. *And be it further enacted,* That that part of the lands to which the Indian title was extinguished by the treaty with the Choctaw nation made on Mount Dexter, in the year one thousand eight hundred and five, lying on the east of Pearl river, shall be attached to the land district east of Pearl river, and that the residue of the lands to which the Indian title was extinguished by said treaty, shall be attached to the land district west of Pearl river; and the said lands shall, with the exception of section number sixteen, which shall be reserved in each township for the use of schools within the same, and also with the exception of fifteen hundred acres of land, which is hereby confirmed to John M'Grew, in compliance with the fourth article of said treaty, be offered for sale under the same regulations, at the same prices, and on the same terms as other lands lying within the said districts.

SEC. 6. *And be it further enacted,* That every person and the legal representatives of every person, who being either the head of a family, or above the age of twenty-one years, who did before the third day of March, one thousand eight hundred and seven, actually inhabit and cultivate a tract of land in the Mississippi territory, belonging to the United States, shall be allowed until the first day of October next, to obtain permission to remain on such tract or tracts of land, according to the provisions of the act, intituled "An act to prevent settlements being made on lands ceded to the United States until authorized by law," and the person or persons obtaining such permission shall be entitled to all the benefits, rights and privileges granted by law to those who obtained the same prior to the first day of January, one thousand eight hundred and eight.

SEC. 7. *And be it further enacted,* That the right of the United States to two town lots lying and being in the city of Natchez be, and the same

is hereby forever vested in the corporation of the said city, so as not to affect the legal or equitable claims of any individuals, or of any body politic or corporate, if any such there be.

SEC. 8. *And be it further enacted*, That whenever the claims of persons having a right of pre-emption in either of the districts east or west of Pearl river, shall interfere with each other, the register and receiver of public monies are hereby authorized in their respective districts so to regulate their locations as to prevent such interference.

APPROVED, March 31, 1808.

town lots ceded to the corporation of Natchez.

Saving of private rights.

Interfering claims in districts east and west of Pearl river, how to be settled.

CHAP. XLI.—*An Act further to prolong the continuance of the Mint at Philadelphia.*

STATUTE I.

April 1, 1808.

[Expired.]

Mint continued in Philadelphia for five years after 4th March, 1808.
1812, ch. 2.

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 the mint," approved March the third, one thousand eight hundred and one, is hereby revived and continued in force and operation for the further term of five years after the fourth day of March, one thousand eight hundred and eight.

APPROVED, April 1, 1808.

CHAP. XLII.—*An Act authorizing the sale of public Arms.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be sold to individual states, which may wish to purchase, any arms now owned by the United States, and which may be parted with without injury to the public: Accounts of such sales shall be laid before Congress, and the money arising therefrom be, and the same is hereby appropriated, under the direction of the President of the United States, to the purchase or manufacture of other arms for the use of the United States: *Provided*, that such arms be not delivered to any state or their agents until the payment of the purchase money be first made into the treasury of the United States, in money or in the stock of the United States, at its value, as established by an act, intituled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, and for other purposes relative to the public debt." *Provided also*, that this provision shall not extend to any purchase, not exceeding five thousand stand of arms, which shall be made by a state to which the United States by existing engagements are bound to pay a sum of money, equal to the amount of such purchase.

APPROVED, April 2, 1808.

STATUTE I.

April 2, 1808.

[Obsolete.]

President authorized to sell to individual states public arms.

Payment of the purchase money to be first made into the treasury of the U. States.

1808, ch. 50.

Proviso.

CHAP. XLIII.—*An Act to raise for a limited time an additional military force.(a)*

STATUTE I.

April 12, 1808.

[Obsolete.]

Additional military force to be raised.

Term of service.

How the regiments are to be composed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the present military establishment of the United States, there be raised five regiments of infantry, one regiment of riflemen, one regiment of light artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

SEC. 2. *And be it further enacted*, That the said regiments of infantry, riflemen, and artillery, shall consist of ten companies each, and

(a) See the act fixing the military peace establishment of the United States, March 3, 1815, chap. 78.
VOL. II.—61

the regiment of light dragoons of eight troops; and the field and staff officers of each regiment, of one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant major, one quartermaster sergeant, two principal musicians, and for the regiment of light dragoons, one riding master; each company of infantry and riflemen, to consist of one captain, one first and one second lieutenant, one ensign, two cadets, four sergeants, four corporals, two musicians, and sixty-eight privates; each company of artillery of one captain, one first and one second lieutenant, two cadets, four sergeants, four corporals, two musicians, eight artificers, and fifty-eight matrosses; and each troop of light dragoons, of one captain, one first and one second lieutenant, one cornet, two cadets, four sergeants, four corporals, two musicians, one saddler, one farrier, and sixty-four privates.

Two additional
brigadier-gene-
rals to be ap-
pointed.
When.

SEC. 3. *And be it further enacted*, That when in the opinion of the President of the United States, a suitable proportion of the troops authorized by this act shall be raised, there may be appointed two additional brigadier generals, who shall be entitled to one aid-de-camp each, to be taken from the subalterns of the line; two brigade inspectors, and two brigade quartermasters; and such number of hospital surgeons, and surgeons' mates, as the service may require, but not exceeding five surgeons and fifteen mates, with one steward, and one ward-master to each hospital; the brigade inspectors appointed under this act shall be taken from the line; and the brigade quartermasters, the adjutants, regimental quartermasters, and paymasters from the subalterns of the line.

Compensations
of officers, sol-
diers, &c.

SEC. 4. *And be it further enacted*, That the compensation of the officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall be, viz., to each brigadier general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage, when not furnished by the public: each brigade inspector, thirty dollars per month, in addition to his pay in the line; each brigade quartermaster and aid-de-camp, twenty dollars, and each adjutant regimental quartermaster and paymaster, ten dollars per month, in addition to their pay in the line; and to each six dollars per month for forage, when not furnished as aforesaid; each hospital surgeon, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars per month for forage, when not furnished as aforesaid; each hospital surgeon's mate, forty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid; each hospital steward, twenty dollars per month and two rations per day, or an equivalent in money; each wardmaster, sixteen dollars per month, and two rations per day, or an equivalent in money; to the colonel of light dragoons, ninety dollars per month, six rations per day, and forage for five horses; to the lieutenant colonel of light dragoons, seventy-five dollars per month, five rations per day, and forage for four horses; to the major of light dragoons, sixty dollars per month, four rations per day, and forage for four horses; to each captain of light dragoons, fifty dollars per month, three rations per day, and forage for three horses; to each lieutenant of light dragoons thirty-three and one third dollars per month, two rations per day, and forage for two horses; to each cornet of light dragoons, twenty-six and two thirds dollars per month, two rations per day, and forage for two horses; to the riding master, twenty-six and two thirds dollars per month, two rations per day and forage for two horses; each saddler and farrier, ten dollars per month, one ration per day, and a suit of uniform clothing annually; and all other officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall receive the like pay, clothing, rations, forage and other emoluments as the officers, cadets, non-com-

missioned officers, musicians, artificers and privates of the present military establishment: *Provided*, the officers and riding master furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses to entitle them to the foregoing allowance for forage, or its equivalent in money: *And provided also*, that the whole or any part of the regiment of light dragoons shall be liable to serve on foot as light infantry until by order of the President of the United States, horses and accoutrements shall be provided to equip the whole or any part thereof, as mounted dragoons.

SEC. 5. *And be it further enacted*, That the officers, cadets, non-commissioned officers, musicians, artificers, and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability by wounds and otherwise, incurred in the service, as the officers, cadets, non-commissioned officers, musicians, artificers and privates in the present military establishment, and with them shall be subject to the rules and articles of war which have been established or may be hereafter, by law, be established: And that the provisions of the act, intituled "An act fixing the military peace establishment of the United States," relative to the widow, child, or children of any commissioned officer who shall die, while in the service of the United States, by reason of any wound received in actual service of the United States, to courts martial, the regulation and compensation of recruiting officers, the age, size, qualifications and bounties of recruits, arrears of pay, the bonds and duties of paymasters, penalties for desertion, punishment of persons who shall procure or entice any soldier to desert, or shall purchase from any soldier his arms, uniform, clothing or any part thereof; and the punishment of any commanding officer of any ship or vessel who shall receive on board of his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, to the oath or affirmation to be taken and subscribed by officers, non-commissioned officers, musicians and privates, to the allowance for extra expense to any commissioned officer in travelling and sitting on general courts martial, to arrests of non-commissioned officers, musicians and privates for debts, to the allowance to soldiers discharged from service, except by way of punishment, shall be in force and applied to all persons, matters and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same.

SEC. 6. *And be it further enacted*, That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.

SEC. 7. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

SEC. 8. *And be it further enacted*, That in the recess of the Senate the President of the United States is hereby authorized to appoint all or any of the officers, other than the general officers, proper to be appointed under this act, which appointments shall be submitted to the Senate, at the next session, for their advice and consent.

SEC. 9. *And be it further enacted*, That every commissioned and staff officer to be appointed in virtue of this act shall be a citizen of the United States, or some one of the territories thereof.

APPROVED, April 12, 1808.

Officers to furnish their own horses.

The regiment of light dragoons to serve as infantry until equipped.

Same provisions extended to the present force as that already raised, as to compensation.

1802, ch. 9.

Subsistence of officers estimated at twenty cents per ration.

A chaplain to be appointed to each brigade.

His pay, &c.
President may make appointments in recess of the Senate.

Commissioned and staff officers must be citizens of U. States.

STATUTE I.

CHAP. XLIV.—*An Act to authorize the transportation of certain documents by mail, free of postage.*

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

April 13, 1808.

[Obsolete.]
President's message, &c.

&c. of March 22, 1808, may be transported by mail free of postage.

By whom in that case to be sent.

the secretary of the Senate, and the clerk of the House of Representatives be, and they are hereby authorized to transmit free of postage, the message of the President of the United States, of the twenty-second day of March, one thousand eight hundred and eight, and the documents accompanying the same, and the documents accompanying the message of the President of the United States, of the thirtieth of March, printed by order of the Senate and House of Representatives, to any post-office within the United States, and territories thereof, to which they may respectively direct; and it shall be a duty of the secretary of the Senate, and of the clerk of the House of Representatives, to send by the mail, the printed copies of the same message and documents, or any part thereof that may remain after Congress shall adjourn, and the same shall be conveyed free of postage as aforesaid, conformably to the directions of the members of each house of Congress respectively: any law to the contrary notwithstanding.

APPROVED, April 13, 1808.

STATUTE I.

April 19, 1808.

[Expired.]

Act of March 3, 1805, ch. 41, continued in force for two years.

CHAP. XLVI.—*An Act to continue in force, for a further time, an act intituled “An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction.”*

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 for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction,” passed on the third day of March, in the year of our Lord one thousand eight hundred and five, be, and the same hereby is continued in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, April 19, 1808.

STATUTE I.

April 20, 1808.

[Expired.]

Act of March 17, 1800, ch. 13, revived and continued in force until March 3, 1814. 1800, ch. 15. 1814, ch. 60.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act which passed the seventeenth day of March, in the year one thousand eight hundred, intituled “An act declaring the assent of Congress, to certain acts of the states of Maryland and Georgia,” be, and the same is hereby revived and continued in force until the third day of March, one thousand eight hundred and fourteen.

APPROVED, April 20, 1808.

STATUTE I.

April 21, 1808.

No member of Congress to have any public contract, under the authority of the U. States, directly or indirectly.

CHAP. XLVIII.—*An Act concerning public contracts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake or execute any such contract or agreement, in the whole, or in part, every member so offending, shall, for every such offence, upon conviction

thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall moreover be absolutely void and of no effect: *Provided nevertheless*, that in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

SEC. 2. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

SEC. 3. *And be it further enacted*, That in every such contract or agreement to be made or entered into, or accepted as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

SEC. 4. *And be it further enacted*, That if any officer of the United States, on behalf of the United States, shall directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

SEC. 5. *And be it further enacted*, That from and after the passing of this act it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and the Postmaster-General annually, to lay before Congress, a statement of all the contracts which have been made in their respective departments, during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

APPROVED, April 21, 1808.

CHAP. L.—*An Act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jonah Thompson, Thomas Swann, Charles Alexander, Edmund I. Lee, Jacob Hoffman, Cuthbert Powel, and John Mandeville, or a majority of them, be, and they are hereby constituted a board of commissioners, with full power and authority to open, or cause to be opened, books for receiving and entering subscriptions for raising a capital stock, not exceeding twenty thousand dollars, in shares of fifty dollars each, for the purpose of opening, graveling, and improving a road not exceeding one hundred, nor less than thirty feet wide, between the town of Alexandria and Bridgepoint, on Alexander's island, opposite the city of Washington, and of erecting

Penalty of
three thousand
dollars.

Advances
made by the U.
States to be re-
paid.

Provisions of
this act not to
extend to incor-
porated compa-
nies, or to bills
of exchange ne-
gotiated by
members of
Congress.

Members of
Congress to be
excepted by
particular
clauses from
participation in
public con-
tracts, &c. &c.

Penalties up-
on officers mak-
ing public con-
tracts with
members of
Congress.

Secretary of
the Treasury,
War, &c. to
make to Con-
gress, annual
statements of
contracts made
by their depart-
ments.

STATUTE I.

April 21, 1808.

A board of
commissioners
for receiving
subscriptions,
appointed.

a bridge over Fourmile creek, in the county of Alexandria; and of making such other incidental works, and defraying such other incidental expenses, as may be deemed necessary or expedient by the company herein after named; the time, place, and manner of receiving and entering such subscriptions to be ascertained by the said board of commissioners, and duly advertised in such gazettes as they may deem expedient: *Provided*, that the time to be fixed upon by the said board of commissioners for opening books for receiving the said subscriptions, shall be on or before the first Monday in April next; and that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of the person authorized to receive the same, on each share subscribed for.

Proviso.

Subscribers
created a body
politic, by the
name of the
Washington and
Alexandria
turnpike com-
pany, &c. &c.

SEC. 2. *And be it further enacted*, That whenever two hundred of the said shares shall be subscribed for, all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees of such subscribers, shall be, and they are hereby made and created, a body politic and corporate, by the name and style of "The Washington and Alexandria Turnpike Company," and by that name may sue and be sued, implead and be impleaded, and do and suffer all acts, matters and things which a body politic and corporate may lawfully do and suffer; and may have a common seal, and the same may break and alter at pleasure, and may make all by-laws, rules, regulations, and ordinances, for the good government and well being of the said company, and for carrying into effect the objects of their institution, so that such by-laws, rules, regulations, or ordinances be not repugnant to the laws of the United States in force within the said county of Alexandria.

Board of com-
missioners to
call a meeting
of the stock-
holders to
choose directors
&c. &c.

SEC. 3. *And be it further enacted*, That when two hundred of the said shares shall be subscribed for, as aforesaid, or as soon after as may be, the said board of commissioners shall call a meeting of the company, at the town of Alexandria, by public advertisement in one or more gazettes published in Washington and Alexandria, appointing a fit and convenient time and place of meeting for the purpose of electing five directors, a clerk and a treasurer, and such officers, agents, and servants, as the said company may think fit to appoint, and for transacting any other business, in pursuance of this act, and appertaining to the nature and objects of the institution of the said company; and the said board of commissioners shall, if necessary, adjourn the said meeting from time to time, until a quorum shall be formed; and a majority of the said company, or the proprietors of two thirds of the number of shares actually subscribed for, their legal representatives, successors, or proxies, shall be a quorum to do business; and the said board of commissioners, before opening the said subscription books, shall ascertain and publish in their said advertisement, a fit and convenient mode of authenticating all powers of attorney, authorizing subscriptions to be made in the name of any person or persons; and before calling a meeting of the said company shall ascertain and publish in their advertisement, a fit and convenient mode of authenticating all instruments of writing, authorizing any person or persons to act and vote at such meeting, as the proxy or proxies of any member of the said company; all which powers of attorney and instruments of writing shall be filed with the clerk of the said company, and by him be safely kept among the records and documents appertaining to his office; and as soon as a quorum of the said company and a board of directors shall be formed as aforesaid, all the powers, authority, and duties whatsoever, by this act vested in the said board of commissioners, shall cease and determine, and thenceforward become vested in the directors, for the time being, of the said company, under such limitations and restrictions as the said

company may think fit to prescribe. And the said board of commissioners shall account to the said company, at the first meeting of the same, for all monies received by them or their agents, on account of such subscriptions, and shall immediately pay over the same to the treasurer of the said company, or to such other person or persons as the said company may direct and appoint; the said company, nevertheless, to allow all just credits for monies actually and necessarily expended by the said board of commissioners, in the execution of their said trust and duties.

SEC. 4. And be it further enacted, That there shall be annually holden, on the first Monday in January, a meeting of the said company, for the purpose of electing five directors, a clerk, and a treasurer; and the said company shall have power, at any meeting legally called and constituted, in pursuance of this act, to displace any of their directors or officers, and to supply by a new election or appointment, all vacancies that may happen among the directors or officers of the company; and the said company shall have power to prescribe and regulate the powers and duties of the said directors, and of all other officers of the company; and a majority of the said directors may, from time to time, elect one of their body as president, and may provisionally supply, by their own election, any vacancies that may happen among the number of directors, or among any of the officers of the company: and the persons so elected by the said directors may continue in office till the next legal meeting of the company; and the directors of the said company to be elected in pursuance of this act, shall, unless sooner displaced by the said company, continue in office until the first Monday in January next succeeding their election, and from that time until a new election shall be made by the said company.

SEC. 5. And be it further enacted, That a meeting of the said company may, at any time, be called by a majority of the directors of the company, for the time being, or by one third of the members of the said company, or by the proprietors of one third of the shares actually subscribed for, or the legal representatives or successors of such members or proprietors: *Provided however*, that no meeting of the said company shall be legal or valid, unless a quorum shall be formed, consisting of the majority of the members of the said company, or of the proprietors of at least two thirds of the number of shares actually subscribed for, their legal representatives, successors or proxies, nor unless the place, (being within the town of Alexandria,) and the time of such meeting be previously advertised for three weeks successively, in one or more gazettes in the city of Washington and Alexandria.

SEC. 6. And be it further enacted, That every director, clerk and treasurer, before he acts as such, shall take an oath or affirmation, for the due execution of his office.

SEC. 7. And be it further enacted, That the said shares shall be negotiable and transferable from one to another, by assignments in writing, executed before two witnesses at the least, and authenticated and registered, as the said company may prescribe and direct in their by-laws and regulations.

SEC. 8. And be it further enacted, That the amount of each share shall be paid by instalments of ten dollars, at such times as the said directors, for the time being, shall appoint; and in case any instalment or instalments shall not be paid at the time appointed, or within ten days thereafter, the same may be recovered in the name of the company, by warrant from a justice of the peace, if the amount due shall not exceed twenty dollars; and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; and in all such warrants and motions the

Directors to
be annually ap-
pointed by the
company, &c.
&c.

Meetings of
the company
may be called
by a majority of
the directors.

A quorum to
consist of a ma-
jority of the
members of the
company.

Directors &c.
&c. to take an
oath of office.

Shares trans-
ferable.

Shares to be
paid for by in-
stalments.

Mode of re-
covering arrears
of instalments.

certificate of the clerk of the said company shall be conclusive evidence of the defendant's being a member of the company, and *prima facie* evidence of the amount due on the shares held by such defendant; and if such instalment or instalments be not paid within sixty days after the time limited for the payment of the same, and advertised for four weeks successively in one or more gazettes published in Washington or Alexandria, the president and directors of the said company may proceed to forfeit, for the use of the company, the share or shares of the person or persons so failing to pay.

Former payments towards opening the road, to be placed to the credit of those who advanced the money, and now wish to purchase stock in this company.

Direction or course of the road.

A bridge to be built over Four Mile creek.

Land through which the road is to pass may be purchased, &c. &c.

Tolls, when demandable.

SEC. 9. *And whereas*, certain individuals have already subscribed and paid sundry small sums of money, which have been appropriated to the purpose of opening and partially improving the said road from Alexandria to Washington: *Be it further enacted*, That it shall and may be lawful for the said board of commissioners to place the said payments to the credit of those individuals, who have respectively paid the same, and who are desirous of purchasing stock in the said company, by allowing them the full amount of the money they have respectively advanced, in the purchase of a share or shares in the said company.

SEC. 10. *And be it further enacted*, That the said company be, and they are hereby authorized and empowered to open, extend, gravel and improve, in the turnpike manner, a good and sufficient road, commencing at the intersection of Washington and Montgomery streets, in the said town of Alexandria, thence extending in a straight line to the northeastern corner of the almshouse lot, and thence by the most eligible and convenient route, to Bridgepoint, on Alexander's island; and also to erect and build, or cause to be erected and built over Fourmile creek, a good and sufficient bridge, of sound and suitable materials, and in all respects adequate for the passage of travellers, horses and carriages, with a secure railing on each side, at least four feet high, and a convenient way for foot passengers on one side, which shall be separated from the carriage way, by a good and sufficient railing, at least four feet high.

SEC. 11. *And be it further enacted*, That it shall and may be lawful for the said president and directors, or the majority of them, to agree with the owners of any land, through which the said road is intended to pass, for the purchase thereof: and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the district, on application to one of the judges of the circuit court, the said judge shall issue a warrant directed to the marshal of the district, to summon a jury of twenty-four inhabitants of Alexandria county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the marshal, upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every jurymen that shall appear, "That he will faithfully, justly, and impartially value the land not exceeding the width of one hundred feet, and all damages the owner thereof shall sustain by opening the road through such land, according to the best of his skill and judgment." And the inquisition thereupon taken shall be signed by the marshal and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded. And upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative; and on payment thereof said land shall become an open public road for ever.

SEC. 12. *And be it further enacted*, That as soon as the said road shall be opened and improved, and the said bridge shall be erected and built, as required by this act, the said company shall be entitled to de-

mand and receive by their proper agents, servants, or officers, at the said bridge, tolls not exceeding the following rates, to be regulated from time to time by the circuit court of the United States, in and for the district of Columbia, in the county of Alexandria, under the direction of Congress; for each person and horse, six cents and a quarter; for each chaise, sulky, or riding chair, twelve and a half cents; for each coach, coachee, stage-wagon, chariot, phaeton, or curricle, or other riding carriage, twenty-five cents, and the further sum of four cents for each horse, more than two, by which such coach, coachee, chariot, phaeton, or curricle, shall be drawn; for each sled or sleigh, twelve and a half cents, and the further sum of four cents for each horse or other beast, more than two, by which such sled or sleigh shall be drawn; for each four-wheeled wagon, cart, or other four-wheeled carriage of burthen, twenty-five cents, and the further sum of four cents for each horse or other beast, more than two, by which the same shall be drawn; for each two-wheeled cart, dray, or other two-wheeled carriage of burthen, twelve and a half cents, and the further sum of four cents for each horse or other beast, more than one, by which the same shall be drawn; for each sheep or swine, one cent; for horses and neat cattle, other than those in teams, drawing sleds, sleighs, or carriages, or those with riders, two cents each. And it shall be the duty of the said company to keep posted up, in some conspicuous place, at the said bridge where the toll is collected, a printed list of the rates of toll allowed by this act, and for every day the same shall be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same.

SEC. 13. *And be it further enacted*, That it shall be the duty of the said corporation, to keep the said road and bridge in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said road or bridge to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court; and shall also be responsible for all damages, which may be sustained by any person or persons, in consequence of such want of repair, to be recovered in an action of trespass on the case, in any court competent to try the same: *Provided always, and it is further enacted*, that whenever the nett proceeds of toll collected on said road shall amount to a sum sufficient to reimburse the capital stock, which shall be expended in the purchase of said land, building said bridge, and making said road, and twelve per cent. interest thereon, to be ascertained by said circuit court, the same shall become a free road, and toll shall be no longer collected thereon; and said company shall annually make returns to said circuit court, of the amount of toll collected, and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

APPROVED, April 21, 1808.

Rates of tolls.

Road to be kept in good repair.

Penalties.

Proviso.

CHAP. LI.—*An Act to continue in force an act intituled “An act to extend jurisdiction in certain cases to state judges and state courts; 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 act, intituled “An act to extend jurisdiction in certain cases to state judges and state courts,” passed the eighth day of March, one thousand eight hundred and six, be, and the same is hereby continued in force without limitation of time.

STATUTE I.

April 21, 1808.

Act of March 8, 1806, ch. 14, continued in force without limitation.

(a) See notes to act of March 8, 1806, chap. 14.

SEC. 2. And be it further enacted, That the several provisions of the above-mentioned act, intituled "An act to extend jurisdiction in certain cases to state judges and state courts," be, and the same are hereby extended to the respective county courts within, or next adjoining the revenue districts in the state of Ohio on Lake Erie, and to the district attorney of the United States for the district of Ohio.

APPROVED, April 21, 1808.

STATUTE I.

April 22, 1808.

[Repealed.]

Act of March 1, 1809, ch. 24, sec. 19.

In the event of peace or suspension of hostilities between the belligerent powers of Europe the embargo may be suspended.

1807, ch. 5.

1808, ch. 8.

CHAP. LII.—An Act to authorize the President of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the event of such peace or suspension of hostilities between the belligerent powers of Europe, or of such changes in their measures affecting neutral commerce, as may render that of the United States sufficiently safe, in the judgment of the President of the United States, he is hereby authorized, during the recess of Congress, to suspend, in whole or in part, the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, under such exceptions and restrictions, and on such bond and security being given as the public interest and circumstances of the case may appear to require: *Provided*, such suspension shall not extend beyond twenty days after the next meeting of Congress.

APPROVED, April 22, 1808.

STATUTE I.

April 22, 1808.

Meeting of Congress on the first Monday in Nov. 1808.

CHAP. LIII.—An Act to alter the time for the next meeting of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the first Monday of November next.

APPROVED, April 22, 1808.

STATUTE I.

April 23, 1808.

Act of May 8, 1792, ch. 33.

Act of March 2, 1803, ch. 15.

Act of April 10, 1806, ch. 20.

Act of April 18, 1814, ch. 80.

Act of April 24, 1816, ch. 69.

Act of May 12, 1820, ch. 96.

Act of March 2, 1821, ch. 12,

sec. 14.

Annual appropriation for arms and military equipments.

President authorized to purchase sites for arsenals, &c.

Arms to be distributed

CHAP. LV.—An Act making provision for arming and equipping the whole body of the Militia of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual sum of two hundred thousand dollars be, and the same hereby is appropriated, for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, by and on account of the United States.

SEC. 2. And be it further enacted, That the President of the United States be, and he hereby is authorized, to purchase sites for, and erect such additional arsenals and manufactories of arms, as he may deem expedient, under the limitations and restrictions now provided by law: *Provided also*, that so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same hereby is repealed.

SEC. 3. And be it further enacted, That all the arms procured in virtue of this act, shall be transmitted to the several states composing this Union, and territories thereof, to each state and territory respectively, in proportion to the number of the effective militia in each state and territory, and by each state and territory to be distributed, to the militia

in such state and territory, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory.

APPROVED, April 23, 1808.

amongst the states and territories—in what proportions.

STATUTE I.

April 23, 1808.

CHAP. LVI.—*An Act to establish certain post roads in the states of Georgia and Ohio.*

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 established, viz. from Darien, by John Jones' to Milledgeville, and from thence to Athens; from Sparta to Milledgeville, and from thence by Jones's Courthouse to the Garrison on Oakmulgee; from Milledgeville to Putnam Courthouse, and from thence to Morgan Courthouse, and to Randolph Courthouse; from New Lisbon to Canton, in Ohio.

APPROVED, April 23, 1808.

Post roads established.
Repeated 1810,
ch. 30.

STATUTE I.

April 23, 1808.
[Obsolete.]

CHAP. LVII.—*An Act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making an appropriation for defraying the expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to make good a deficiency in the appropriation for the contingent expenses of both houses of Congress, authorized by the act of the tenth of February last, the further sum of seven thousand dollars be, and the same hereby is appropriated.

SEC. 2. And be it further enacted, That a sum not exceeding five thousand four hundred and one dollars and twenty-seven cents, the balance of a former appropriation to that amount, for that object, having been carried to the credit of the surplus fund, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same is hereby appropriated, for defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.

APPROVED, April 23, 1808.

Appropriation.

CHAP. LVIII.—*An Act concerning invalid pensioners.(a)*

April 25, 1808.

Names of persons to be placed on the pension list: and rates.

1806, ch. 25.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby directed to place the following named persons, whose claims have been transmitted to Congress, pursuant to a law passed the tenth of April, one thousand eight hundred and six, on the pension list of invalid pensioners of the United States, according to the rates, and to commence at the times herein mentioned, that is to say:

Thomas Lamar Davis, at the rate of two dollars and fifty cents per month, to commence on the twenty-ninth day of December, one thousand eight hundred and seven.

Albert Chapman, at the rate of ten dollars per month, to commence on the seventeenth day of October, one thousand eight hundred and seven.

Ambrose Homan, at the rate of two dollars and fifty cents per month, to commence on the fifteenth day of December, one thousand eight hundred and six.

(a) Some of the sections of this act are of a public and general character. Sec. 3, 4, p. 96.

Names of pensioners, and rates of pensions.

Richard Scott, at the rate of two dollars and fifty cents per month, to commence on the fifth day of October, one thousand eight hundred and seven.

Francis Blood, at the rate of five dollars per month, to commence on the sixteenth day of December, one thousand eight hundred and six.

Jonas Green, at the rate of five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

William Green, at the rate of eight dollars per month, to commence on the seventh day of February, one thousand eight hundred and seven.

Seth Weed, at the rate of six dollars per month, to commence on the seventh day of October, one thousand eight hundred and seven.

Samuel Lathrop, at the rate of five dollars per month, to commence on the twenty-second day of September, one thousand eight hundred and seven.

Peter Smith, at the rate of four dollars per month, to commence on the sixteenth day of July, one thousand eight hundred and six.

William Johnston, at the rate of two dollars and fifty cents per month, to commence on the first day of April, one thousand eight hundred and seven.

James Houston, at the rate of fifteen dollars per month, to commence on the thirteenth day of July, one thousand eight hundred and seven.

Jedediah Hyde, at the rate of fifteen dollars per month, to commence on the third day of August, one thousand eight hundred and seven.

Samuel Nesbit, at the rate of five dollars per month, to commence on the eighteenth day of October, one thousand eight hundred and seven.

Shepherd Packard, at the rate of three dollars per month, to commence on the seventh day of February, one thousand eight hundred and seven.

Richard Kisby, at the rate of four dollars per month, to commence on the twenty-fourth day of March, one thousand eight hundred and seven.

Jonathan Wilkins, at the rate of two dollars and fifty cents per month, to commence on the twenty-sixth day of March, one thousand eight hundred and seven.

Waterman Baldwin, at the rate of five dollars per month, to commence on the twenty-fifth day of October, one thousand eight hundred and seven.

John Clark, at the rate of eight dollars per month, to commence on the fifteenth day of December, one thousand eight hundred and seven.

John Venus, at the rate of two dollars and fifty cents per month, to commence on the eleventh day of December, one thousand eight hundred and seven.

John Holcombe, at the rate of fifteen dollars per month, to commence on the first day of December, one thousand eight hundred and seven.

Richard Steads, at the rate of four dollars per month, to commence on the ninth day of December, one thousand eight hundred and seven.

Alexander Jones, at the rate of three dollars thirty-three and one third cents per month, to commence on the nineteenth day of June, one thousand seven hundred and eighty-four.

Benjamin Saddler, at the rate of three dollars per month, to commence on the first day of January, one thousand eight hundred and three.

Benjamin Jenkins, at the rate of two dollars and fifty cents per month, to commence on the sixteenth day of September, one thousand eight hundred and seven.

William Scott, at the rate of twenty-five dollars per month, to commence on the twelfth day of March, one thousand eight hundred and seven.

James Bruff, at the rate of twenty dollars per month, to commence

on the seventeenth day of August, one thousand eight hundred and seven.

Nathan Taylor, at the rate of ten dollars per month, to commence on the nineteenth day of February, one thousand eight hundred and eight.

Aaron Stevens, at the rate of ten dollars per month, to commence on the twenty-fourth day of February, one thousand eight hundred and eight.

Simon Morgan, at the rate of twenty dollars per month, to commence on the second day of March, one thousand eight hundred and eight.

Jonathan Patch, at the rate of five dollars per month, to commence on the eleventh day of July, one thousand eight hundred and six.

Ebenezer Rowe, at the rate of five dollars per month, to commence on the sixteenth day of January, one thousand eight hundred and seven.

Benjamin Kendrick, at the rate of three dollars thirty-three and one third cents per month, to commence on the first day of January, one thousand seven hundred and eighty-six.

Nicholas Hoff, at the rate of five dollars per month, to commence on the twenty-second day of February, one thousand eight hundred and eight.

Samuel Shaw, at the rate of eight dollars per month, to commence on the thirteenth day of February, one thousand eight hundred and eight.

Nicholas Lott, at the rate of two dollars and fifty cents per month, to commence on the twenty-third day of January, one thousand eight hundred and eight.

Humphrey Becket, at the rate of two dollars and fifty cents per month, to commence on the eighth day of January, one thousand eight hundred and eight.

Silas Parrot, at the rate of six dollars per month, to commence on the tenth day of February, one thousand eight hundred and eight.

Jared Hinkley, junior, at the rate of two dollars and fifty cents per month, to commence on the nineteenth day of January, one thousand eight hundred and eight.

Francis Davidson, at the rate of four dollars per month, to commence on the sixteenth day of January, one thousand eight hundred and eight.

Andrew Waggoner, at the rate of twenty dollars per month, to commence on the second day of November, one thousand eight hundred and seven.

George Richardson, at the rate of four dollars per month, to commence on the tenth day of February, one thousand eight hundred and eight.

William Wallace, at the rate of eight dollars per month, to commence on the thirtieth of January, one thousand eight hundred and eight.

Joseph Bird, at the rate of four dollars per month, to commence on the twenty-ninth day of January, one thousand eight hundred and eight.

John St. John, at the rate of five dollars per month, to commence on the twenty-ninth day of January, one thousand eight hundred and eight.

Abner Snow, at the rate of three dollars and seventy-five cents per month, to commence on the twenty-seventh day of January, one thousand eight hundred and eight.

Aaron Crane, at the rate of two dollars and fifty cents per month, to commence on the third day of November, one thousand eight hundred and seven.

James Hawkey, at the rate of five dollars per month, to commence on the sixth day of January, one thousand eight hundred and eight.

Elijah Morse, at the rate of four dollars per month, to commence on the sixth day of January, one thousand eight hundred and eight.

John Van Anglen, at the rate of fifteen dollars per month, to com-

Names of pen-
sioners, and
rates of pen-
sions.

Names of pensioners, and rates of pensions. mence on the third day of November, one thousand eight hundred and seven.

James Boden, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of March, one thousand eight hundred and eight.

Isaac Burnham, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and three.

Benjamin Hillman, at the rate of ten dollars per month, to commence on the fourteenth day of March, one thousand eight hundred and eight.

Silas Pierce, at the rate of ten dollars per month, to commence on the seventh day of March, one thousand eight hundred and eight.

Randel M'Allistor, at the rate of five dollars per month, to commence on the seventh day of March, one thousand eight hundred and eight.

John Durnal, at the rate of three dollars per month, to commence on the seventh day of April, one thousand eight hundred and eight.

Jabez Church, at the rate of two dollars and fifty cents per month, to commence on the twenty-second day of February, one thousand eight hundred and eight.

Thomas Machin, at the rate of ten dollars per month, to commence on the nineteenth day of March, one thousand eight hundred and eight.

David Richey, at the rate of two dollars and fifty cents per month, to commence on the second day of April, one thousand eight hundred and eight.

1806, ch. 25.

SEC. 2. And be it further enacted, That the pensions of the following persons already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names, the said increase to commence at the times herein mentioned, that is to say:

James Campbell, four dollars per month, to commence on the twenty-fifth day of September, one thousand eight hundred and seven.

John Beardsley, jun. five dollars per month, to commence on the thirteenth day of November, one thousand eight hundred and seven.

Thomas Bristol, five dollars per month, to commence on the twenty-second day of October, one thousand eight hundred and seven.

Josiah Smith, five dollars per month, to commence on the twenty-ninth day of December, one thousand eight hundred and seven.

Joseph Wace, five dollars per month, to commence on the twenty-ninth day of December, one thousand eight hundred and seven.

Daniel Buck, five dollars per month, to commence on the seventeenth day of December, one thousand eight hundred and seven.

Lemuel King, five dollars per month, to commence on the twenty-third day of December, one thousand eight hundred and seven.

William Wallace, five dollars per month, to commence on the seventeenth day of November, one thousand eight hundred and seven.

Joseph Saunders, five dollars per month, to commence on the seventh day of February, one thousand eight hundred and seven.

William Hastings, five dollars per month, to commence on the eleventh day of February, one thousand eight hundred and seven.

Joshua Lovejoy, five dollars per month, to commence on the fifth day of June, one thousand eight hundred and seven.

Isaac Higgins, three dollars thirty-three and one third cents per month, to commence on the twenty-ninth day of September, one thousand eight hundred and seven.

Reuben Dow, fifteen dollars per month, to commence on the nineteenth day of February, one thousand eight hundred and seven.

Joseph Harrup, five dollars per month, to commence on the fifteenth day of September, one thousand eight hundred and seven.

Names of pensioners, and rates of pensions.

David Ranney, five dollars per month, to commence on the fifth day of November, one thousand eight hundred and seven.

John Whitehorn, five dollars per month, to commence on the thirtieth day of September, one thousand eight hundred and seven.

Richard Sherman, five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Noah Sinclair, three dollars and seventy-five cents per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Nathaniel Church, five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Gersham Clarke, five dollars per month, to commence on the first day of January, one thousand eight hundred and eight.

John M'Kinstry, twelve dollars per month, to commence on the seventh day of December, one thousand eight hundred and seven.

Ebenezer Perkins, five dollars per month, to commence on the fifteenth of September, one thousand eight hundred and seven.

Henry Ten Eyck, fifteen dollars per month, to commence on the twenty-first day of November, one thousand eight hundred and seven.

Thomas Simpson, thirteen dollars thirty-three and one third cents [per month], to commence on the twenty-fourth day of December, one thousand eight hundred and six.

John Rybecker, four dollars per month, to commence on the eighteenth day of April, one thousand eight hundred and seven.

Lemuel Dean, five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Thomas Johnson, five dollars per month, to commence on the seventeenth day of April, one thousand eight hundred and seven.

Levi Chubbuck, three dollars and seventy-five cents per month, to commence on the twentieth day of June, one thousand eight hundred and seven.

George Walter, two dollars and fifty cents per month, to commence on the twenty-fourth day of February, one thousand eight hundred and eight.

Samuel Rossetter, five dollars per month, to commence on the thirtieth day of January, one thousand eight hundred and eight.

Jeremiah Prichard, thirteen dollars thirty-three and one third cents per month, to commence on the sixth day of January, one thousand eight hundred and eight.

Abner Gage, five dollars per month, to commence on the twenty-sixth day of January, one thousand eight hundred and eight.

John Devoe, five dollars per month, to commence on the thirtieth day of January, one thousand eight hundred and eight.

Nathaniel Bradley, five dollars per month, to commence on the twenty-sixth day of January, one thousand eight hundred and eight.

Thaddeus Seely, two dollars and fifty cents per month, to commence on the ninth day of January, one thousand eight hundred and eight.

John Herron, two dollars and fifty cents per month, to commence on the twenty-sixth day of January, one thousand eight hundred and eight.

Peter Nevius, four dollars per month, to commence on the seventeenth day of February, one thousand eight hundred and eight.

John Hampton, six dollars per month, to commence on the seventeenth day of February, one thousand eight hundred and eight.

Roswell Woodworth, five dollars per month, to commence on the twenty-third day of March, one thousand eight hundred and eight.

David Hulbell, five dollars per month, to commence on the nineteenth day of March, one thousand eight hundred and eight.

John McCoy, five dollars per month, to commence on the fifteenth day of March, one thousand eight hundred and eight.

Names of pensioners, and rates of pensions.

Caleb Hunt, five dollars per month, to commence on the fifth day of March, one thousand eight hundred and eight.

Henry Gates, five dollars per month, to commence on the ninth day of March, one thousand eight hundred and eight.

David Hall, five dollars per month, to commence on the twelfth day of February, one thousand eight hundred and eight.

Jonah Cook, five dollars per month, to commence on the fourth day of April, one thousand eight hundred and eight.

William Nelson, five dollars per month, to commence on the twenty-second day of January, one thousand eight hundred and eight.

Secretary of War authorized to cause to be placed on the pension list of the U. States persons disabled in the revolutionary war, &c.

No person to exceed the sum allowed by the sixth section of the act of April 10, 1806, ch. 25.

Proviso.

SEC. 3. *And be it further enacted,* That the Secretary at War be, and he is hereby authorized and directed to place on the pension list of the United States, all persons who now remain on the pension list of any of the states, and who were placed on the same in consequence of disability occasioned by known wounds received during the revolutionary war, whether such person or persons served in the land or sea service of the forces of the United States, or of any particular state, in the regular corps, or the militia, or as volunteers: *Provided*, that in no case the pensions allowed to such person or persons, shall exceed the sums specified by the sixth section of an act, intituled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed the tenth day of April, one thousand eight hundred and six: *And provided*, that in every case where application shall be made, to have such person or persons placed on the pension list of the United States, under this law, satisfactory documents from the proper officers of the state, shall be adduced to establish the fact of such person or persons having been placed on the state pension list in consequence of disability occasioned by known wounds received during the revolutionary war.

Persons disabled in the actual service of the U. States since the revolution, to be placed on pension list.

At what rates.
1806, ch. 25.

Pensioners now to be placed on pension list how to be paid.

SEC. 4. *And be it further enacted,* That any officer, non-commissioned officer, musician, or private, who has been wounded or disabled since the revolutionary war, while in the line of his duty, in the actual service of the United States, whether he belong to the military establishment or the militia, or any volunteer corps, called into service under the authority of the United States, may be placed on the pension list of the United States, at such rate of compensation, and under such regulations as are prescribed by the act, intituled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed April the tenth, one thousand eight hundred and six.

SEC. 5. *And be it further enacted,* That the pensioners becoming such in virtue of this act, shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations in all respects, as are prescribed by the laws of the United States, in such cases provided.

APPROVED, April 25, 1808.

STATUTE I.

April 25, 1808.

Exchange of lands for fortifications in Portland.

CHAP. I.X.—An Act to authorize and empower the President of the United States to exchange certain lands, for other lands more suitable for fortification.

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 and empowered, to cause the lands in Portland, whereon the fort and battery now stand, and the lands at Ocracock and Old Topsail inlets, in North Carolina, acquired with a view to erecting fortifications, to be exchanged for other lands more suitable for fortification, and the protection of Portland, in the district of Maine, and Ocracock, and Old Topsail inlet, in North Carolina.

APPROVED, April 25, 1808.

CHAP. LXI.—*An Act to make Plymouth, in North Carolina, a port of entry; to change the name of the District of Nanjemoy to that of St. Mary's, and to make Augusta, in the District of Maine, a port of delivery.*

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, a district shall be formed out of the district of Edenton, in North Carolina, to be called the district of Plymouth, which shall include and comprehend the rivers Roanoak and Cashie, and all the waters, creeks, and harbors belonging thereto. The town of Plymouth shall be the port of entry and delivery; and Windsor and Skewarky, ports of delivery. A collector for the district shall be appointed, to reside and keep his office at the town of Plymouth, who shall be entitled to receive three per cent. commissions on all monies by him received on account of the duties arising on goods, wares and merchandise imported into the said district, and on the tonnage of ships and vessels and the other emoluments and fees of office established by law.

SEC. 2. *And be it further enacted, That from and after the thirtieth day of June next the district of Nanjemoy, in the state of Maryland, shall be called the district of St. Mary's, and the collector shall reside at St. Mary's river, which shall be the port of entry and delivery for said district, and Nanjemoy a port of delivery only, to which a surveyor shall be appointed, who shall be entitled, in addition to the fees and emoluments already allowed by law, to receive a salary of one hundred and fifty dollars.*

SEC. 3. *And be it further enacted, That the town of Augusta, in the district of Maine, shall be, and the same is hereby constituted a port of delivery, to be annexed to the district of Bath, and subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor, to reside at the said port of delivery, who shall be entitled to receive a salary of one hundred and fifty dollars, annually, in addition to the other emoluments allowed by law.*

APPROVED, April 25, 1808.

STATUTE I.
April 25, 1808.
Act of March
2, 1799, ch. 22.
District of Ply-
mouth formed
out of that of
Edenton.

Plymouth
made the port of
entry, &c.

Name of dis-
trict of Nanje-
moy changed to
that of St. Ma-
ry's.

Augusta made
a port of deliv-
ery, to be annex-
ed to district of
Bath, &c.

CHAP. LXII.—*An Act making appropriations for the support of an additional military force, for the year one thousand eight hundred and eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the necessary expense to the first day of January next, of the troops to be raised by virtue of an act, intituled "An act to raise for a limited time an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight, the following sums be, and the same hereby are respectively appropriated, that is to say:

For pay, two hundred and eighty-five thousand nine hundred and twenty dollars.

For forage, eighteen thousand four hundred and seventy-nine dollars.

For subsistence, two hundred and thirteen thousand six hundred and ninety-six dollars.

For clothing, one hundred and fifty thousand five hundred and twenty-eight dollars.

For bounties and premiums, eighty-five thousand one hundred and twenty dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, tents, barracks, fuel, and transportation one hundred and eleven thousand dollars.

For contingencies, ten thousand dollars.

For ordnance, sixty thousand dollars.

STATUTE I.
April 25, 1808.

1808, ch. 43.

Specific ap-
propriations.

For the purchase of horses and other expenses necessary to mount the cavalry, thirty-six thousand seven hundred and twenty dollars.

SEC. 2. *And be it further enacted*, That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, April 25, 1808.

STATUTE I.

April 25, 1808.

CHAP. LXIII.—*An Act authorizing the Secretary of the Treasury to pay to the comptroller of the treasury, in trust, the amount of certain bills drawn by John Armstrong, minister from the United States to the court of France, on [the] treasury of the United States.*

Secretary of Treasury to pay into comptroller's hands amount of certain bills drawn by Gen. Armstrong.

Money to be held in trust, and paid over to the persons who shall appear to be entitled.

Claims, how to be established.

Claims, when established, how to be satisfied.

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 pay into the hands of the comptroller of the treasury of the United States, the amount in cash, of the bills drawn by John Armstrong, minister from the United States to the court of France, on the treasurer of the United States, in favour of Nathan Freres, Denton and Hall, pursuant to a liquidation made by the government of France under the convention concluded between the United States and the French government, on the thirtieth day of April, in the year one thousand eight hundred and three; and also, the amount of the bills drawn by the aforesaid minister on the said treasurer of the United States in favour of Joseph Sands, pursuant to a liquidation made under the convention aforesaid, which sums so paid to the comptroller, shall be held by him in trust, to pay and satisfy such persons, and in such proportions, as shall be adjudged or decreed by the courts hereafter specified; and the said sums shall be by the comptroller deposited in the office of discount and deposit, in the city of Washington, for safe keeping until such judgments or decrees shall take place.

SEC. 2. *And be it further enacted*, That all suits or proceedings at law or in equity, to establish claims against, or recover the whole or any part of the sum so deposited, on account of the bills drawn in favour of Nathan Freres, Denton and Hall, shall be commenced on or before the first day of November next, in the circuit court of the fourth circuit, holden in the district of Maryland, and all suits or proceedings at law or in equity, to establish claims against, or to recover the whole or any part of the sum so deposited on account of the bills drawn in favour of Joseph Sands, shall be commenced on or before the day aforesaid, in the circuit court of the second circuit, holden in the district of New York, or in the circuit court of the district of Columbia, to be held for Washington county in said district, and any, or either party aggrieved by the judgment or decree of either of the said courts, may remove the same to the supreme court of the United States, in the same manner, and on the same terms and conditions, as appeals and writs of error are now prosecuted from the said courts.

SEC. 3. *And be it further enacted*, That whenever a final judgment or decree shall be entered up by either of the said courts in favour of any person or persons, who may have established a right or claim to the whole or any part of the said sums so paid to the comptroller, and deposited in virtue of this law, the said comptroller shall direct the cashier of the said office of discount and deposit, to pay the amount recovered to the party or persons entitled under such judgment or decree so rendered by the said courts.

APPROVED, April 25, 1808.

CHAP. LXV.—*An Act to make good a deficit in the appropriation of eighteen hundred and seven, for completing the public buildings, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the appropriations already made, the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes herein after mentioned, that is to say:

For making good the deficit of eighteen hundred and seven, including the debt due from the public offices, fifty-one thousand five hundred dollars.

For completing the wall of the President's square, planting the ground so as to close this part of the expenditure, building a solid flight of steps to the principal door, and minor expenses, fourteen thousand dollars.

For carrying up in solid work, the interior of the north wing, comprising the Senate chamber, twenty-five thousand dollars.

For executing the work deficient in the interior of the south wing and for painting, eleven thousand five hundred dollars.

SEC. 2. And be it further enacted, That the several sums of money hereby appropriated, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, April 25, 1808.

STATUTE I.
April 25, 1808

Specific appropriations.
[Obsolete.]

CHAP. LXVI.—*An Act in addition to the act intituled “An act laying an embargo on all ships and vessels in the ports and harbors of the United States,” and the several acts supplementary thereto, 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 during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, no vessel of any description whatever, and wherever bound, whose employment is confined to the navigation of bays, sounds, rivers and lakes, within the jurisdiction of the United States, (packets, ferry-boats, and vessels exempted from the obligation of giving any bond whatever, only excepted,) shall be allowed to depart from any district of the United States, without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure, a manifest of the whole cargo on board, including articles of domestic growth or manufacture, as well as foreign merchandise. And it shall also be the duty of the owners, agents or master of every such vessel, to produce within two months thereafter, to the collector of the district from which the vessel departed, a certificate of the landing of the whole of such cargo, in a port of the United States, within the bay, sound, rivers or lakes, to which the navigation of such vessel is confined, signed by the collector or surveyor of the port where the cargo shall have been landed.

SEC. 2. And be it further enacted, That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, no ship or vessel of any description whatever, other than those described in the next preceding section, and wherever bound, shall receive a clearance, unless the lading shall be made hereafter under the inspection of the proper revenue officers, subject to the same restrictions, regulations, penalties, and forfeitures, as are provided by law for the inspection of goods, wares, and merchandise, imported into the United States, upon which duties are imposed, any law to the contrary notwithstanding:

STATUTE I.
April 25, 1808.

| |
|--|
| Act of Dec. 22, 1807, ch. 5. |
| Act of Jan. 9, 1808, ch. 8. |
| Act of March 12, 1808, ch. 33. |
| Act of Jan. 9, 1809, ch. 5. |
| Act of March 1, 1809, ch. 24. |
| Additional regulations for coasting vessels. |

Clearances to be given to no vessels but on the regulations prescribed being complied with.

(a) See notes to act of December 22, 1807, chap. 5.

Vessels laden in whole or in part not to be affected.

Forfeitures and penalties.

Proviso.

Vessels going down the Mississippi to stop at Fort Adams, and those going up, at Iberville, to report their cargoes, &c.

Penalty.

Clearances not to be allowed to vessels of the U. States but by special permission of the President, to ports of U. States adjacent to territories of foreign states.

Penalties, forfeitures.

Provided, that nothing herein contained shall be construed to affect vessels laden in whole or in part on the receipt of this act by the respective collectors.

SEC. 3. *And be it further enacted*, That if any vessel described in the first section, shall depart from any district of the United States, without a clearance, or before the manifest of the cargo shall have been delivered to the collector or surveyor, in the manner therein prohibited, or if a certificate of the landing of the cargo shall not be produced within the time and in the manner therein provided, such vessel and cargo shall be forfeited, and the owner or owners, consignee, agent, factors, freighters, master, or skipper of such vessel, shall respectively forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars: *Provided always*, that nothing herein contained shall be construed to bar or prevent the recovery of the penalty on the bond given for such vessel.

SEC. 4. *And be it further enacted*, That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, it shall be the duty of the master or person having charge or command of any vessel, flat, or boat intended to enter that part of the river Mississippi, which lies between the southern boundary of the Mississippi territory and the river Iberville, if going down the said river, to stop at Fort Adams, and if going up the river to stop at Iberville, and at each place, as the case may be, to deliver to an inspector of the revenue, to be stationed there for that purpose, a manifest of the whole cargo on board, and also to produce to the same officer, within two months thereafter, if going down the river, and within six months thereafter if going up the river, a certificate of the landing of the same in some part of the district of Mississippi, and within the jurisdiction of the United States, which certificate shall be signed by the collector or one of the surveyors of the district of Mississippi; or if the cargo shall be landed more than thirty miles from the place of residence of any such officer, by a state or territorial judge, having jurisdiction at the place of such landing.

SEC. 5. *And be it further enacted*, That if any vessel, flat, or boat, shall enter that part of the river Mississippi as prescribed in the next preceding section, without stopping and delivering a manifest in the manner therein provided, or if a certificate of the landing of the cargo shall not be produced within the time, and in the manner therein provided, such vessel, flat, or boat and cargo shall be forfeited, and the owner or owners, consignee, agent, factors, freighters, master, or skipper of such vessel, flat, or boat, shall respectively forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars.

SEC. 6. *And be it further enacted*, That no ship or vessel having any cargo whatever on board, shall, during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, be allowed to depart from any port of the United States, for any other port or district of the United States, adjacent to the territories, colonies, or provinces of a foreign nation; nor shall any clearance be furnished to any ship or vessel, bound as aforesaid, without special permission of the President of the United States. And if any ship or vessel shall, contrary to the provisions of this act, proceed to any port or district adjacent to the territories, colonies, or provinces of a foreign nation, such ship or vessel, with her cargo, shall be wholly forfeited; and if the same shall not be seized, the owner, owners, agents, factors, and freighters of such ship or vessel shall, for every such offence, forfeit and pay double the value of such ship and cargo; and the master and commander of such ship or vessel, as well as all other persons, who shall knowingly be concerned in such prohibited voyage, shall each respectively forfeit and pay not exceeding three thousand dollars, nor less than five hundred dollars for every such offence, whether the vessel be seized or not.

SEC. 7. And be it further enacted, That the commanders of the public armed vessels and gun boats of the United States shall, as well as the commanders or masters of the revenue cutters, and revenue boats, be authorized, and they are hereby authorized to stop and examine any vessel, flat, or boat, belonging to any citizen of the United States, either on the high seas, or within the jurisdiction of the United States, or any foreign vessel within the jurisdiction of the United States, which there may be reason to suspect to be engaged in any traffic or commerce, or in the transportation of merchandise, of either domestic or foreign growth or manufacture, contrary to the provisions of this act, or of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, and if upon examination, it shall appear that such vessel, flat or boat is thus engaged, it shall be the duty of the commander to seize every such vessel, flat, or boat, and to send the same to the nearest port of the United States for trial.

Public armed vessels, and gun boats authorized to stop vessels suspected of violating embargo laws.

SEC. 8. And be it further enacted, That the comptroller of the treasury be, and he hereby is authorized to remit the duties accruing on the importation of goods of domestic produce, or which being of foreign produce, had been exported without receiving a drawback, which may have been, or may be re-imported in vessels owned by citizens of the United States, and which having sailed subsequent to the first day of October last, and prior to the twenty-second day of December last, may be or have been stopped on the high seas by foreign armed vessels, and by reason thereof have returned, or may hereafter return into the United States. And the said comptroller is likewise authorized to direct the exportation bonds given for foreign merchandise, exported with privilege of drawback, in such vessel and re-imported in the same, in the manner aforesaid to be cancelled, the duties on such re-importation being previously paid, and on such other conditions and restrictions as may be necessary for the security of the revenue.

Comptroller of treasury may remit certain duties, &c. &c.

SEC. 9. And be it further enacted, That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, no foreign ship or vessel shall go from one port in the United States to another, and should any foreign ship or vessel, contrary to this section, go from one port of the United States to another, the vessel with her cargo shall be wholly forfeited, and the owner, or owners, agent, factors, freighters, and master of such ship or vessel, shall forfeit and pay a sum not exceeding three thousand dollars, nor less than one thousand dollars.

Foreign vessels not allowed to carry on the coasting trade in the U. States during the continuance of the embargo.

SEC. 10. And be it further enacted, That no vessel, flat, or boat, comprehended in this act shall be obliged to pay more than twenty cents for each clearance.

Fees for clearances of vessels, &c. &c.

SEC. 11. And be it further enacted, That the collectors of the customs be, and they are hereby respectively authorized to detain any vessel ostensibly bound with a cargo to some other port of the United States, whenever in their opinions the intention is to violate or evade any of the provisions of the acts laying an embargo, until the decision of the President of the United States be had thereupon.

SEC. 12. And be it further enacted, That if any unusual deposits of provisions, lumber, or other articles of domestic growth or manufacture shall have been, or shall be made in any of the ports of the United States, adjacent to the territories, colonies, or provinces of a foreign nation, the collector of the district shall be, and he hereby is authorized to take the same in his custody, and not to permit such articles to be removed until bond with sufficient sureties shall have been given for the landing or delivery of the same in some port or place of the United States.

Collectors authorized to detain vessels ostensibly bound to other ports of the U. States under suspicious circumstances.

Collectors in ports adjacent to foreign territories may take into their custody provisions, &c. &c. accumulated in large quantities in their districts, &c. &c.

SEC. 13. And be it further enacted, That any ship or vessel owned

Vessels laden at the passage of the embargo act allowed to go with their cargoes to other ports of U. S.

Forfeitures and penalties—how mitigated or remitted.

1797, ch. 13.

1800, ch. 33,
sec. 6.

Trade with the Indians from Canada permitted through the territories of the U. States.

by a citizen or citizens of the United States, loaded, or in part loaded with the produce of the United States before the act laying an embargo was passed, and by said act detained in any port of the United States, may be permitted to proceed to any other port of the United States, and there to remain with such cargo on board, subject to such other restrictions and bonds as are prescribed in the act laying an embargo, and the several supplementary acts thereto.

SEC. 14. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, may be mitigated and remitted in the manner prescribed by the act, intituled "An act to provide for mitigating and 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 and forfeitures arising under this act, shall be distributed in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage."

SEC. 15. *And be it further enacted*, That nothing in the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or in the several acts supplementary thereto, or in the act to prohibit the importation of certain goods, wares, and merchandise, shall be construed to prevent the exportation by land, or inland navigation, from the territories of the United States into those of Great Britain, of furs and peltries, the property of subjects of Great Britain, and by them purchased from the Indians, or to prevent the importation by land, or inland navigation, from the territories of Great Britain into those of the United States, of merchandise, the property of British subjects, and by them imported solely for the use of the Indians aforesaid.

APPROVED, April 25, 1808.

STATUTE I.

April 25, 1808.

Act of March 3, 1807, ch. 34.
Claimants to land in the Michigan territory, where the Indian title has been extinguished, allowed until the first of January next, to deliver to the register a notice of their claims.

CHAP. LXVII.—*An Act supplemental to "An act regulating the grants of land in the territory of Michigan."* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person claiming lands, within that part of the Michigan territory to which the Indian title hath been extinguished by virtue of any legal grant made by the French government prior to the treaty of Paris of the tenth of February, one thousand seven hundred and sixty-three; or of any legal grant made by the British government subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain, of the third of September, one thousand seven hundred and eighty-three, or of the second section of the act to which this act is a supplement, shall be allowed until the first day of January next, to deliver to the register of the land-office for the district of Detroit, a notice in writing, stating the nature and extent of his claims, together with a plat or plats of the tract or tracts claimed, and if such person shall fail to deliver such notice in writing, together with a plat of the tract claimed, all his right, so far as it may be derived from any act of Congress, shall become void, and the commissioners appointed for the purpose of ascertaining and deciding the rights of persons claiming lands in the said district of Detroit, shall have the same powers and perform the duties in relation to the claims, notices of which shall be thus filed, as are provided by the act to which this act is a supplement, in relation to the claims therein described.

(a) See notes to act of March 3, 1807, chap. 34.

SEC. 2. And be it further enacted, That every person whose claim has been, or shall be confirmed by the commissioners aforesaid, to a tract of land bordering on the river Detroit, and not exceeding in depth forty arpens, French measure, shall be entitled to a preference in becoming the purchaser of any vacant tract of land adjacent to, and back of his own tract, not exceeding forty arpens, French measure, in depth, nor in quantity of land that which is contained in his own tract, at the same price, and on the same terms and conditions as are provided by law for the other public lands in the said district. And the surveyor-general shall be, and he is hereby authorized, as soon as may be, to cause to be surveyed, the tracts claimed by virtue of this section, and in all cases where, by reason of bends in the said river, and of adjacent prior, or pre-emption claims, each claimant cannot obtain a tract equal in quantity to the adjacent tract already owned by him, to divide the vacant land, applicable to that object, between the several claimants, in such manner as to him will appear most equitable. And every person entitled to the benefit of this section, shall, on or before the first day of January next, deliver to the register of the land-office for the district of Detroit, a notice in writing, stating the situation and extent of the tract of land he wishes to purchase, and deposit at the same time one twentieth part of the purchase money; and shall also, within three months after the return of the survey to the office of the said register, produce to him a receipt from the receiver of public money for the said district for one fourth part of the purchase money. And if any such person shall fail to deliver such notice, and make such deposit and payment, at the times above mentioned, his right of pre-emption shall cease, and become void.

Persons whose claims are established entitled to a preference in becoming the purchasers of the contiguous vacant lands.

Surveyor-general to cause surveys to be made.

Every person entitled to the benefit of this section to give notice in writing to the register.

SEC. 3. And be it further enacted, That every person, who being the head of a family, did, prior to the twenty-sixth of March, one thousand eight hundred and four, and doth, at the time of the passage of this act, inhabit and cultivate a tract of land in the territory of Michigan, not claimed by virtue of a legal French or British grant, or by the second section of the act to which this act is a supplement, shall be entitled to a preference, in becoming the purchaser from the United States of such tract of land not exceeding one section, at the price at which the other public lands in the said territory are directed to be sold; and payment may be made therefor in the same manner, and under the same conditions, as are provided by law for such other public lands. And every person entitled to the benefit of this section, shall, on or before the first day of January, next, deliver to [the] register of the land-office, for the district aforesaid, a notice in writing, of the situation and extent of the tract of land he wishes to purchase. The commissioners aforesaid are hereby authorized to examine and decide the claims, of every person claiming the benefit of this section, and whenever it shall appear to them that the claimant is entitled to a right of pre-emption they shall give a certificate thereof, directed to the register of the land-office, which certificate, together with a receipt from the receiver of public money, of at least one fourth part of the purchase money, shall, on, or before the first day of January, next, be produced by the claimant to the register of the land-office for the said district. And if any person shall fail to deliver such notice in writing, or produce such certificate and receipt within the times above mentioned, his right of pre-emption shall cease, and become void.

Pre-emption right secured to actual settlers.

Notice in writing to be given of the situation and extent of the land to be purchased.

SEC. 4. And be it further enacted, That so much of the second section of the act to which this act is a supplement, as provides that not more than one tract or parcel of land shall be granted to any one person, shall be, and the same is hereby repealed.

Repeal of part of a former act. Act of March 3, 1807, ch. 34, sec. 2.

SEC. 5. And be it further enacted, That the lands to which the Indian title has been extinguished, by the treaty made at Detroit, on the seven-

Lands to which Indian title was

extinguished by treaty of Detroit to be attached to district of Detroit, and sold, &c. tenth of November, one thousand eight hundred and seven, shall be attached to and made a part of the district of Detroit, and be offered for sale at that place, under the same exceptions and regulations, at the same price, and on the same terms, as other lands lying in that district.

APPROVED, April 25, 1808.

March 4, 1808.

RESOLUTION to authorize the disposition of certain charts of the coast of North Carolina.

Secretary of Treasury authorized to cause charts of North Carolina to be sold.

RESOLVED 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 directed to cause to be sold, as many of the charts of the coast of North Carolina, published in conformity to the resolution which passed the second of March, one thousand eight hundred and seven, as shall remain on hand, after reserving the number requisite for the use of the government of the United States.

APPROVED, March 4, 1808.

ACTS OF THE TENTH 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 seventh day of November, 1808, and ended on the third day of March, 1809.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; STEPHEN R. BRADLEY, President of the Senate pro tempore, from the 4th to the 7th of January, 1809; JOHN MILLEDGE, President of the Senate pro tempore, from January 30th, 1809; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE II.

CHAP. I.—*An Act to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same.*

Nov. 18, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress and delegates from the several territories of the United States be, and they are hereby authorized to transmit by mail, free of postage, the message of the President of the United States of the eighth day of November, in the year one thousand eight hundred and eight, and documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may respectively direct, any law to the contrary notwithstanding.

APPROVED, November 18, 1808.

STATUTE II.

CHAP. III.—*An Act authorizing the President of the United States to employ an additional number of revenue cutters.*

Jan. 6, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby empowered to procure so many revenue cutters, not exceeding twelve, as may be necessary for the public service, the expense whereof shall be paid out of the product of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.

APPROVED, January 6, 1809.

Additional revenue cutters to be employed not to exceed twelve.

[Obsolete.]

STATUTE II.

CHAP. IV.—*An Act authorizing the payment of certain pensions by the Secretary of War at the seat of government.*

Jan. 7, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every pension or arrearage of pension that shall be due on the third day of March, one thousand eight hundred and nine, or that may thereafter become due to any officer or soldier residing in either of the United States, or the territories

Pensions to be paid at Washington where agents to pay pensions have not been appointed.

thereof, in which there hath not been appointed an agent for the payment of pensions, shall be paid at the seat of the government of the United States, by the secretary for the war department, and the name of the pensioner shall, on his application to the Secretary at War, be transferred from the books of the state in which it was originally enregistered to a register, to be opened for that purpose at the war office of the United States.

APPROVED, January 7, 1809.

STATUTE II.

Jan. 9, 1809.

[Repealed.]

Act of Dec. 22, 1807, ch. 5.

Act of Jan. 9, 1808, ch. 8.

Act of March 12, 1808, ch. 33.

Act of April 25, 1808, ch. 66.

Act of March 1, 1809, ch. 24.

Direct or indirect exportation of specie, &c. prohibited.

Penalties.

Proviso.

Informers to be entitled to one half the fine.

Permit previously required to the lading of vessels.

Ladings to be made under the inspection of revenue officers.

Conditions.

CHAP. V.—An Act to enforce and make more effectual an act intituled “An act laying an embargo on all ships and vessels in the ports and harbors of the United States,” and the several acts supplementary thereto. (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall put, place, or load on board any ship, vessel, boat or water craft, or into any cart, wagon, sled, or other carriage or vehicle, with or without wheels, any specie, goods, wares or merchandise, with intent to export, transport or convey the same without the United States or the territories thereof, to any foreign place, kingdom or country, or with intent to convey the same on board any foreign ship or vessel within or without the limits of the United States, or with the intent in any other manner to evade the acts to which this act is a supplement, all such specie, goods, wares and merchandise, and also the ship, vessel, boat, water craft, cart, wagon, sled, or other carriage or vehicle, on board, or in which the same may be so put, placed, or loaded as aforesaid, shall be forfeited, and the person or persons so putting, placing or loading the same as aforesaid, and also the aiders and abettors therein, shall, upon conviction, be adjudged guilty of a high misdemeanor, and fined a sum, by the court before which the conviction is had, equal to four times the value of such specie, goods, wares and merchandise: *Provided however*, that this section shall not be construed to extend to any person or persons, not being the owner or owners of such specie, goods, wares or merchandise, who shall first inform and make complaint to the collector of the district of any such offence committed within the same district; and any informer or informers, not being the owner or owners as aforesaid, upon conviction of the offenders, shall be entitled to one half of the fine aforesaid, when the same shall be received by the United States, and shall be entitled to a certificate for that purpose from the court before whom the conviction shall be had.

SEC. 2. And be it further enacted, That it shall not be lawful to put on board any ship, vessel, or boat of any description whatever, any specie or goods, wares or merchandise, either of domestic or foreign growth, produce, or manufacture, and the same is hereby prohibited, unless a permit particularly stating the articles thus to be laden shall have been previously obtained from the collector of the district, in which such ship, vessel, or boat may then be, or from a revenue officer specially authorized by the collector to grant such permits; nor unless the lading shall be made under the inspection of the proper revenue officers, nor unless the owner or owners, consignee or factor of such ship, vessel, or boat shall, with the master, have given bond with one or more sureties to the United States, in a sum six times the value of the vessel and cargo, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to a foreign port or place, nor shall put any article on board of any other vessel; and that the whole cargo shall be relanded either in the port where the vessel may then be, or in such other port of the United States as shall be designated in the clearance.

(a) See notes to act of December 22, 1807, chap. 5.

And it shall be lawful for the collectors of the customs to refuse permission to put any cargo on board any such ship, vessel, or boat, whenever in their opinion there is an intention to violate the embargo, or whenever they shall have received instructions to that effect by direction of the President of the United States: *Provided*, that nothing contained in this section shall be construed to extend to any ship, vessel, or boat, uniformly employed in the navigation only of bays, sounds, rivers and lakes, within the jurisdiction of the United States, which shall have obtained a general permission, agreeably to the provisions in the fourth section of this act.

SEC. 3. *And be it further enacted*, That the owner or owners, consignee or factor, of any ship, vessel, or boat, as described in the preceding section, which may, at the time when notice of this act shall be received at the several custom-houses respectively, be laden in whole or in part, shall, on notice given by the collector, either discharge such cargo or give bond for the same, in the manner and on the conditions mentioned in the preceding section; and if the cargo shall not be discharged within ten days or the bond given within three days after such notice, the ship, vessel, or boat and cargo shall be wholly forfeited: but the collectors are hereby authorized to order or to cause the cargoes of such vessels to be discharged for the same causes as they may refuse permission to put any cargo on board of vessels not yet laden in whole or in part. And they are likewise authorized in the mean while, and until the cargoes shall have been discharged, or bonds given, as the case may be, to take possession of such vessels, and to take such other measures as may be necessary to prevent their departure.

SEC. 4. *And be it further enacted*, That the collectors of the customs be, and they are hereby authorized to grant, under such general instructions as the President of the United States may give to that effect, a general permission to ships, vessels or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes within the jurisdiction of the United States, when it can be done without danger of the embargo being violated, to take on board at any time such articles of domestic or foreign growth as may be designated in such general permission or permissions, bond with one or more sureties being previously given to the United States by the owner, owners, consignee or factors of such ship, vessel, or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel, that such vessel shall not, during the time limited in the condition of the bond, depart from any district of the United States, without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board, that the said vessel shall not during the time above mentioned, proceed to any other port than that mentioned in her clearance, or put any article on board of any other vessel, or be employed in any foreign trade; and that on every voyage or trip, the whole of the cargo shall be landed in a port of the United States within the bay, sound, rivers or lakes, to which the navigation of such vessel is confined.

SEC. 5. *And be it further enacted*, That if any ship, vessel or boat, not having received a general permission, and a general bond not having been first given in the manner provided for in the next preceding section, shall take on board any specie, or any goods, wares or merchandise, either of foreign or domestic growth, produce or manufacture, contrary to the provisions of the second section of this act, such ship, vessel, or boat, together with the specie and goods, wares or merchandise, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship, vessel or boat, shall moreover severally

Collectors
may refuse per-
mits, in certain
cases.

Proviso.

Vessels alread-
y laden, in part
or in whole, to
be discharged,
on the requisi-
tion of the col-
lector.

General per-
mits may be
granted to coast-
ing vessels.

Conditions.

Penalties, in
cases of viola-
tions of the next
preceding sec-
tion.

forfeit and pay a sum equal to the value of the ship, vessel or boat, and of the cargo put on board the same.

Persons, whose names appear on the papers, to be considered as the owners.

SEC. 6. *And be it further enacted*, That the person or persons whose names do or may appear as owner or owners of any ship or vessel either on the certificate of registry, enrolment, or license of any such ship or vessel, or if neither registered or licensed, on the last clearance or custom-house document issued before the passing of this act for such ship or vessel, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act, or of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, by such ship or vessel: *Provided always*, that nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of any of the acts aforesaid. And in case of any new register or license being granted during the continuance of the said acts, or in case of the sale of any ship or vessel neither registered or licensed, a bond with one or more sureties to the United States shall, previous to the granting any such new register or license, or to recognizing the sale of such vessel not registered or licensed, be required by the collector, in an amount equal to three hundred dollars for each ton of such ship or vessel, that such ship or vessel shall not, during the continuance of the acts laying an embargo on all ships and vessels in the ports and harbors of the United States, contravene or infringe any of the provisions of the said acts: *Provided*, that nothing herein contained, shall be construed to extend to the owner or owners of any ship or vessel who shall have made a bona fide sale of such ship or vessel, in any port or harbor of the United States, before notice of this act at such port or harbor, respectively; nor to the owner or owners of any ship or vessel, in any foreign port or place, who shall have made a bona fide sale thereof, before notice of this act: *And provided also*, that such bond shall not release the owners and master of such ship or vessel, or any other person from the obligation of giving every other bond required by this act or by any of the acts aforesaid.

Proviso.

Proceedings on granting a new register.

SEC. 7. *And be it further enacted*, That in all cases where, either under this act, or under the act laying an embargo on all ships or vessels in the ports and harbors of the United States, or under any of the acts supplementary thereto, a bond has been or shall be given to the United States, with condition that certain goods, wares, and merchandise, or the cargo of a vessel shall be relanded in some port of the United States, the party or parties to such bond shall, within two months after the date of the same, (unless in the case of a voyage from New Orleans to an Atlantic port or from an Atlantic port to New Orleans, in either of which cases, four months shall as heretofore be allowed,) produce to the collector of the port from which the vessel had been cleared with such goods, wares, merchandise or cargo, a certificate of the relanding of the same from the collector of the proper port; on failure whereof, the bond shall be put in suit: and in every such suit, as well as in every suit instituted on a bond given for a voyage from or to New Orleans, judgment shall be given against the defendant or defendants, unless proof shall be given of such relanding, or of loss of the vessel at sea. But neither capture, distress, or any other accident whatever shall be pleaded or given in evidence in any such suit: Unless such capture shall be expressly proved to have been hostile, and such distress or accident occasioned by no negligence or deviation, nor unless such vessel shall have been from the commencement of the voyage wholly navigated by a master, mate or mates, mariners and crew, all of whom shall be citizens

Proofs to be furnished of the relanding of cargoes, &c.

Judgment on the bond to be given unless proof of the relanding of the cargo, or the loss of the vessel is produced.

of the United States; nor unless such mate or mates, mariners and crew, shall, all, if living, (and the proof of their death shall lie on the defendant) be produced on the trial, and sworn as competent witnesses; nor unless such master, mate or mates, mariners and crew shall have signed a shipping paper in due form of law, and a copy thereof designating specially the master, mate or mates, mariners and crew, and their permanent places of residence, shall have been lodged with the collector of the port, to whom the bond aforesaid shall have been given, before the commencement of the voyage, and subscribed and sworn to by the master before such collector; and any master who shall falsely, wilfully, and corruptly swear as to the facts contained in such copy, shall, on conviction, suffer the pains and penalties of perjury. And in every suit instituted on a bond, given as aforesaid, the defendants shall pay all costs, if they shall not within the limited time have produced the certificate of relanding to the collector of the proper port.

Vessels to be
navigated by cit-
izens of the U.
States.

Mate and
mariners to be
produced on the
trial.

SEC. 8. *And be it further enacted,* That no registered or sea letter vessel, although in ballast, shall receive a clearance, or be permitted to depart from any port of the United States, unless the same bond shall have been previously given which is required from vessels licensed for the coasting trade, before they are allowed to depart. And if any such ship or vessel shall depart without bond having been given as aforesaid, the said ship or vessel shall be forfeited; and the owner, owners, agent, consignee, factor and master or commander of such ship or vessel, as well as any other person concerned in such prohibited departure, shall be liable to the same penalties imposed by law in the case of vessels licensed for the coasting trade departing without bond having been given, or without clearance, as aforesaid.

Registered or
sea letter ves-
sels to have
clearances,
upon what con-
ditions.

Penalties.

SEC. 9. *And be it further enacted,* That the collectors of all the districts of the United States shall, and they are hereby authorized to take into their custody specie or any articles of domestic growth, produce, or manufacture, found on board of any ship or vessel, boat or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place whence such articles are intended to be exported; and not to permit such articles to be removed, until bond with sufficient sureties shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported.(a)

Collectors au-
thorized to seize
specie, &c. in
certain cases.

SEC. 10. *And be it further enacted,* That the powers given to the collectors, either by this or any other act respecting the embargo, to refuse permission to put any cargo on board any vessel, boat, or other water craft, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and general rules the collectors shall be bound to obey: And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence, for his justification and defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector

Powers given
by this act and
by the embargo
laws, with re-
spect to giving
and refusing
permissions, to
be exercised in
conformity with
directions of the
President.

(a) The act of Congress of January 9, 1809, authorized the collector to seize for any violation of its provisions; and it was not necessary that such seizure should be made by the collector in person, or by his written authority; nor that a record should be made of such seizure. The Bolina and cargo, 1 Gal-lis. C. C. R. 75.

resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is grounded, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load as aforesaid, shall be decreed, it shall be upon the party's giving such bond with sureties as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

President may employ the land and naval forces to prevent violations of this and the embargo laws.

SEC. 11. *And be it further enacted,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces or militia of the United States, or of the territories thereto as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie, or articles of domestic growth, produce or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons, resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.

Penalties and forfeitures; how to be remitted or mitigated.

Act of Dec. 22, 1807, ch. 5.

SEC. 12. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, unless herein before otherwise directed, and all penalties and forfeitures incurred by force of the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or by virtue of the several acts supplementary thereto, may be prosecuted, sued for, and recovered by action of debt, or by indictment or information, any law, usage or custom to the contrary notwithstanding; and if recovered 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 if otherwise, 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," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred; and any officer or other person entitled to a part or share of any of the fines, penalties or forfeitures aforesaid, may, if necessary, be a witness on the trial therefor, but in such case he shall not receive any part or share of the said fine, penalty or forfeiture, but the part or share to which he would otherwise be entitled shall revert to the United States.

Distribution of penalties.

Act of March 2, 1799, ch. 24, sec. 6.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

Act of Feb. 11, 1800, ch. 6.

President may employ a certain number of vessels in enforcing the embargo, &c. &c.

SEC. 13. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to hire, arm and employ thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many seamen as shall be necessary to man the same, for immediate service, in enforcing the laws of the United States on the sea coast thereof, and to dismiss the same from service, whenever he shall deem the same expedient: *Provided however*, that such hiring, arming and employment shall not be for a term exceeding one year. And the said ships or vessels, when so

hired and armed, shall be employed under the direction of the Secretary of the Treasury.

SEC. 14. *And be it further enacted*, That the powers given to the President of the United States by the seventh section of the act of March the twelfth, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to despatch vessels for the same, shall henceforth cease.

SEC. 15. *And be it further enacted*, That this act shall be in force from and after the passing thereof, during the continuance of the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and no longer.

APPROVED, January 9, 1809.

President no longer authorized to grant permissions to despatch vessels.
1808, ch. 33.

Continuance of this act.
1807, ch. 5.

CHAP. VI.—*An Act to revive and continue in force, for a further time, the first section of the act, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers."*

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, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," as is contained in the first section of the said act, (and which was revived and continued in force, for the time therein mentioned, by an act, intituled "An act to revive and continue in force, for a further time, the first section of the act, intituled An act further to protect the commerce and seamen of the United States, against the Barbary powers," passed the nineteenth day of January, one thousand eight hundred and eight,) be, and the same hereby is revived and continued in force, until the first day of January, one thousand eight hundred and ten: *Provided however*, that the additional duty laid by the said section shall be collected on all such goods, wares and merchandise, liable to pay the same, as shall have been imported previous to that day.

APPROVED, January 10, 1809.

STATUTE II.

Jan. 10, 1809.

[Obsolete.]

Act of March 26, 1804, ch. 46.

Act of Jan. 19, 1808, ch. 11.

Additional duty.

CHAP. VIII.—*An Act authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the proprietor of any square or lot in the city of Washington shall deem it necessary to subdivide such square or lot into convenient building lots, pieces or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat of the same to be made, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary, for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat, or on a paper or parchment attached thereto.

SEC. 2. *And be it further enacted*, That at the request of the said proprietor, the surveyor of the city shall examine whether the lots, pieces or parcels into which any square or lot may be subdivided as aforesaid, agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision, be the true dimensions of the parts so expressed; and if upon such examination, he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary

STATUTE II.

Jan. 12, 1809.

Proprietors of squares, &c. &c. may subdivide them.

Subdivisions may be examined by the surveyor, and recorded.

Records of subdivisions to form evidence of the manner in which they were made.

Deficiency, or excess, how to be apportioned.

Surveyor to examine the foundation or walls of houses, &c. &c.

Fees to the surveyor.

Proviso.

Proviso.

Records of divisions, where to be kept.

for the further illustration thereof, and record the said plat, as examined, in a book or books, to be kept by him for that purpose.

SEC. 3. And be it further enacted, That when such subdivision of any square or lot shall be so certified, examined and recorded, the purchaser of any part thereof, or any person interested therein, may refer to the said plat and record for description, in the same manner as to squares and lots divided between the commissioners and original proprietors; and the ways, alleys or passages, laid out or expressed on such plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the proprietors.

SEC. 4. And be it further enacted, That whenever the surveyor of the said city shall lay off any lot therein, or any of the parts into which a square or lot may be subdivided as aforesaid, he shall measure the whole of that front of the square on which such lot or part lies; and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall apportion such excess, or deficiency, among the lots or pieces on that front, agreeably to their respective dimensions. Whenever on such admeasurement, the wall of a house previously erected by any proprietor, shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand, a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree; but if the wall of any house, already erected, cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in said city, as promulgated by the President of the United States, and the ground so occupied, more than seven inches in width, shall be paid for as above. Which fact the surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein.

SEC. 5. And be it further enacted, That it shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street, and correctly placing the party wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence, and binding on the parties interested.

SEC. 6. And be it further enacted, That the surveyor shall be authorized to receive from the persons for whom he shall perform the services required by this act, the fees following, that is to say: For examining the plat and calculations of any subdivision of a square or lot twelve and an half cents for each of the lots or portions into which it may be subdivided: *Provided*, that no more shall be paid for the lots in one square than one dollar and fifty cents; for examining any building and giving the certificate required by the fifth section of this act, and recording the same, one dollar and fifty cents; for recording any division or subdivision of any square or lots, for transcripts from records, and for searches in his office, the same fees that have heretofore been paid to the clerk of the county: *Provided*, that they do not in any case exceed the fee hereby allowed for examination.

SEC. 7. And be it further enacted, That all records of the division of squares and lots heretofore made between the public and original proprietors, or which are authorized by this act, shall be kept in the office of the surveyor of the city; and all transcripts therefrom, certified

by him, shall be evidence equally valid with certified transcripts from the keeper of the office for recording deeds for the conveyance of land in the county of Washington.

SEC. 8. *And be it further enacted,* That whenever the President of the United States shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, which may not have been reserved for public purposes, into convenient building lots, pieces or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor of the city in the manner prescribed in the first section of this act, which plat shall be recorded by the said surveyor, and the provisions of this act shall extend to the lots, pieces and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

SEC. 9. *And be it further enacted,* That the surveyor of the city of Washington, before entering upon the discharge of the duties required of him by this act, shall take an oath or affirmation before the mayor of the city of Washington, that he will faithfully and impartially perform the duties herein before required of him.

APPROVED, January 12, 1809.

CHAP. IX.—*An Act supplemental to an act intituled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment of all bonds given, subsequent to the date of the act to which this act is a supplement, for duties on coffee, sugar, pepper, indigo, cocoa, and wine paying a duty of twenty-three cents per gallon, and which remain unpaid, or for the same articles which may arrive hereafter in any of the ports of the United States, and whilst the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall continue in force, may be suspended, subject however in all respects to the conditions and provisions made and provided in the act of the tenth of March, one thousand eight hundred and eight, to which this act is a supplement: *Provided*, that nothing herein contained shall be construed to extend to importations made in vessels despatched under permissions granted by the President of the United States in pursuance of powers in him vested by the seventh section of the act, intituled "An act in addition to the act intituled, An act supplementary to the act intituled, An act laying an embargo on all ships and vessels in the ports and harbors of the United States."*

SEC. 2. *And be it further enacted,* That if the amount of any bond given for the payment of duties on the importation of coffee, sugar, pepper, indigo, cocoa, or wine paying a duty of twenty-three cents per gallon, made subsequent to the passage of the act to which this is a supplement, and which bond would by virtue of this act have been entitled to an extension of credit, shall have been previously paid, the money so paid shall, by the proper collector, be refunded to the person or persons who shall have paid the same, or to his, her, or their agent or agents, on his or their giving a bond with sureties, in the same manner and on the same terms, conditions and restrictions, and on a compliance of the person or persons receiving the indulgence hereby granted, with all the provisions of the act to which this is a supplement.

APPROVED, January 12, 1809.

Public property may be subdivided by direction of the President.

STATUTE II.

Jan. 12, 1809.

[Obsolete.]

Payment of duties in certain cases suspended.

1807, ch. 5.

1808, ch. 30.

This act not to extend to vessels despatched under permission from the President of the U. States under the embargo acts.

Monies to be refunded.
In what cases.

*1808, ch. 33.

Conditions.

STATUTE II.

Jan. 30, 1809.

[Obsolete.]
Congress to
meet on the
fourth Monday
of May, 1809.

STATUTE II.

Jan. 31, 1809.

[Obsolete.]
President au-
thorized to man
and fit out cer-
tain frigates.

And other
public vessels.
1809, ch. 17,
sec. 2.

President au-
thorized to em-
ploy an addi-
tional number
of seamen.

Appropriation.

CHAP. X.—An Act to alter the time for the next meeting of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of May next.

APPROVED, January 30, 1809.

CHAP. XI.—An Act authorizing the employment of an additional naval force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the frigates now employed in actual service, there be fitted out, officered and manned, as soon as may be, the four following frigates, to wit: the *United States*, *Essex*, *John Adams*, and *President*: and moreover the President of the United States is hereby authorized and empowered to equip, man, and employ in actual service, so many of the public armed vessels, now laid up in ordinary, and gun boats, as in his judgment the public service may require; and to cause the frigates, and other armed vessels, when prepared for actual service, respectively, to be stationed at such ports and places on the sea coast as he may deem most expedient, or to cruise on any part of the coast of the United States or the territories thereof.

SEC. 2. And be it further enacted, That for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and he is hereby authorized and empowered, in addition to the number of petty officers, able seamen, ordinary seamen and boys, at present authorized by law, to appoint, and cause to be engaged and employed as soon as may be, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen and boys, who shall be engaged to serve for a period not exceeding two years; but the President may discharge the same sooner, if in his judgment their service may be dispensed with. And to satisfy the necessary expenditures to be incurred therein, a sum not exceeding four hundred thousand dollars, be, and the same is hereby appropriated, and shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 31, 1809.

STATUTE II.

Feb. 3, 1809.

Act of May
7, 1800, ch. 41.
Act of March
2, 1801, ch. 16.

CHAP. XIII.—An Act for dividing the Indiana Territory into two separate governments.(a)

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

(a) Acts for the establishment and government of the Indiana territory:—

An act to divide the territory of the United States northwest of the river Ohio, into two separate governments, May 7, 1800, chap. 41.

An act supplementary to "an act to divide the territory northwest of the river Ohio, into two separate governments," March 2, 1801, chap. 16.

An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35.

An act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 13.

An act extending the right of suffrage in the Indiana territory, February 26, 1808, chap. 24.

An act for dividing the Indiana territory into two separate governments, February 3, 1809, chap. 13.

An act extending the right of suffrage in the Indiana territory, and for other purposes, February 27, 1809, chap. 19.

An act to extend the right of suffrage in the Indiana territory, and for other purposes, March 3, 1811, chap. 38.

An act supplementary to the act entitled, "An act giving further time to the purchasers of public lands northwest of the river Ohio, to complete their payments," July 6, 1812, chap. 134.

An act for the regulation of the courts of justice in Indiana, February 24, 1815, chap. 54.

day of March next, all that part of the Indiana territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

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 by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, intituled "An act to provide for the government of the territory 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 of the territory of the United States, northwest of the river Ohio, by the said ordinance.

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 Indiana territory. 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.

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 Illinois 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.

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 Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

SEC. 6. *And be it further enacted,* That all suits, process and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for

An act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, April 19, 1816, chap. 57.

An act supplemental to the act entitled, "An act defining the duties of the judges of the territory of Illinois, and for vesting in the courts of the territory of Indiana a jurisdiction in chancery cases arising in the said territory," April 29, 1816, chap. 154.

Act of Feb. 26, 1808, ch. 20.
Indiana territory divided,
and the Illinois formed.

A government similar to that provided for the Northwest territory provided.

1789, ch. 8.

Officers' du-
ties, &c. &c.

Proviso.

Ordinance for
the government
of the Northwest
territory to be
in force in the
Illinois.

Government
of Indiana, how
affected by this
act.

Suits, &c. &c.
how disposed of.

trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

SEC. 7. *And be it further enacted,* That nothing in this act contained shall be so construed as to prevent the collection of taxes, which may on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

SEC. 8. *And be it further enacted,* That until it shall be otherwise ordered by the legislature of the said Illinois territory, Kaskaskia on the Mississippi river, shall be the seat of government for the said Illinois territory.

APPROVED, February 3, 1809.

STATUTE II.

Feb. 4, 1809.

[Obsolete.]

Act of March
23, 1804, ch. 31.

Act of Feb.
24, 1807, ch. 16.

Act of March
22, 1808, ch. 38.

Process, how
to be issued.

To whom di-
rected.

Sessions of the
Kentucky dis-
trict courts.

Writs, &c. &c.
to be continued
over, &c. &c.

STATUTE II.

Feb. 10, 1809.

[Obsolete.]

CHAP. XIV. —*An Act supplementary to the act, intituled “An act to amend the act, intituled An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee and Ohio.”*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all actions or suits that were pending in the circuit courts of the United States for the district of Tennessee, established by an act, intituled “An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio,” in which any judgment or decree was rendered, or any sentence passed previous to the passage of the act, intituled “An act to amend the act, intituled An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio,” the clerk of the circuit court of the United States for the district of East Tennessee be, and he is hereby authorized and directed to issue executions, and all other process necessary for carrying the same into complete effect, in the same manner as if the said last mentioned act had not passed; which executions and other process shall be directed to the marshal of either of the districts of East or West Tennessee, in which the party against whom the same shall issue may reside, or his property may be found, who shall execute and return the same, in like manner he would have done if the act to which this is a supplement had not passed, and shall receive the same fees as are by law allowed for similar services in other cases.

SEC. 2. *And be it further enacted,* That the next session of the district court of the United States, for the district of Kentucky, shall be holden on the second Monday in May next, and that the session of the said court heretofore holden on the first Monday in June, annually, shall thereafter be holden annually, on the second Monday in May.

SEC. 3. *And be it further enacted,* That all writs and process, which shall have been issued, or may hereafter issue, and all recognizances returnable, and all suits and other proceedings of what nature or kind soever, which have been continued to the said district court on the first Monday in June next, from the last December term, shall be returned and held continued to the said second Monday in May next.

APPROVED, February 4, 1809.

CHAP. XV. —*An Act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi, the canal of Carondelet.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of com-

pleteing the fortifications commenced for the security of the seaport towns and harbors of the United States and territories thereof, exclusive of the contemplated line of blocks and chains across the harbor of New York, there be, and hereby is appropriated the sum of four hundred and fifty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

Appropriation.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to cause the canal of Carondelet, leading from Lake Ponchartrain, by way of the Bayou St. John, to the city of New Orleans, to be extended to the river Mississippi, and made sufficiently deep throughout to admit an easy and safe passage to gun boats, if, upon survey thereof, he shall be convinced that the same is practicable, and will conduce to the more effectual defence of said city; and that for the purpose of defraying the expense thereof, there be, and hereby is appropriated the sum of twenty-five thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

Canal of Carondelet, to be made under the direction of the President.

APPROVED, February 10, 1809.

Appropriation.

CHAP. XVI.—*An Act to revive and continue for a further time, the authority of the Commissioners of Kaskaskia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers heretofore vested in the register and receiver of public monies for the district of Kaskaskia be, and the same are hereby revived; and the said register and receiver shall be allowed until the first day of January next, to complete the investigation of claims to land in said district; they shall have full power to revise any of their former decisions, and also the same power and authority in relation to claims to land in the village of Pioria; notices of which have heretofore been filed as they have in relation to other claims in the said district; and the said register and receiver, and the clerk of the board, shall each be allowed an additional compensation of five hundred dollars, in full for his services in relation to such claims.

APPROVED, February 15, 1809.

STATUTE II.

Feb. 15, 1809.

[Expired.]

Powers vested in the register and receiver of Kaskaskia revived and continued to Jan. 1, 1810.

1806, ch. 40.

CHAP. XVII.—*An Act to incorporate a company for opening the Canal in the City of Washington.*

STATUTE II.

Feb. 16, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert Brent, Samuel N. Smallwood, Daniel Carroll of Duddington, John Law, William Brent, Frederick May, Elias B. Caldwell, James D. Barry, Griffith Coombe, and George Blagden, or any five of them be, and they are hereby appointed commissioners to open, or cause to be opened, a book for receiving and entering subscriptions for raising a capital stock not exceeding one hundred thousand dollars, in shares of one hundred dollars each, for the purpose of opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, and that one month's notice be given in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time and place of opening the said subscription book, and that the same be kept open until the sum of forty thousand dollars be subscribed: *Provided*, that no subscription shall be received unless the sum of ten dollars be paid into the hands of the persons authorized to receive the same, on each share subscribed for.

Commissioners, &c. appointed for receiving subscriptions.

SEC. 2. *And be it further enacted,* That as soon as the aforesaid sum of forty thousand dollars be subscribed, the said commissioners, or any

Stockholders to have a meet-

ing and appoint five of them, shall call a meeting of the stockholders at the city of directors, &c. Washington, by advertisement in one of the newspapers printed in Washington, Georgetown, and Alexandria, appointing a fit and convenient time and place of meeting; and the said stockholders shall proceed in person, or by proxy, to the election, by ballot, of a president and six directors for conducting the said undertaking, and managing the business of the company, for and during the term of one year from the time of their appointment.

Style of the company. SEC. 3. *And be it further enacted,* That the said stockholders and their successors, from the time of the said first meeting, shall be, and they are hereby declared to be, incorporated by the name of the "Washington Canal Company," and by that name may sue and be sued, implead and be impleaded, answer and be answered, and may make all necessary by-laws and regulations for the proper management of the business of the company: *Provided*, that the same be not contrary to the laws of the United States, or the laws in force in the district of Columbia.

Proviso.

Term of service of the directors, &c. &c. SEC. 4. *And be it further enacted,* That the said president and directors

shall continue in office one year from the time of their election, and the directors may fill any vacancy which may happen in their own body during the term for which they were elected, and in case of the death, resignation or disqualification of the president, they may elect a president to serve for the residue of the term; and the said stockholders, in one year after the day on which the election of president and directors shall be first made, and on the same day in every year thereafter, (except the same shall happen on Sunday, in that case on the day succeeding) shall elect by ballot from among the stockholders one person as president, and six persons as directors; and the president and directors, for the time being, shall give public notice in one of the newspapers printed in Washington, Georgetown, and Alexandria, for a new election, at least ten days previous to the expiration of the time for which they were elected; and each stockholder shall be allowed one vote for every share by him or her held at the time in said company; and any stockholder, by a written authority, under his or her hand, and executed in the presence of two witnesses, may depute any other stockholder to vote and act as proxy for him or her at any general meeting.

Powers of the directors of the Washington Ca-

nal Company. SEC. 5. *And be it further enacted,* That the said president and directors so elected, and their successors, shall be, and they are hereby authorized and empowered to agree with any person or persons, on behalf of said company, to cut the canal, as laid down on the plan of the city of Washington, erect such locks, and perform such other works as they shall judge necessary, for opening the canal aforesaid, and the forks thereof; and out of the monies arising from subscriptions, wharfage and tolls, to pay for the same; and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to settle their respective wages.

Treasurer of the company to give bond, &c.

SEC. 6. *And be it further enacted,* That the treasurer of the said company shall, before he acts as such, give bond to the company in such penalty, and with such security as the said president and directors shall direct, conditioned for the faithful performance of the duties of his office.

Stockholders to pay up the remaining nine tenths of their shares, &c. &c.

SEC. 7. *And be it further enacted,* That the said president and directors so elected, and their successors, shall have full power and authority to demand and receive of the stockholders, in equal proportions, the remaining nine tenths of the shares, from time to time, as they shall judge necessary; and if any of the stockholders shall neglect or refuse to pay their proportions, within one month after the same shall have been ordered, the share or shares of such defaulter shall be forfeited: *Pro-*

vided, that notice shall be given, by advertisement, in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time when the same shall be ordered to be paid.

Proviso.

SEC. 8. And be it further enacted, That the said company shall not begin to collect wharfage or tolls, until the canal is made navigable for boats and scows drawing three feet water to pass through the same, from the Potomac river to the eastern branch thereof: And if at any time the said canal shall become obstructed, so that boats and scows drawing three feet water cannot pass through the same, from the Potomac river to the Eastern branch thereof, it shall not be lawful for the said company to collect any wharfage or tolls, until such obstruction shall have been removed.

When tolls
shall be receivable.

SEC. 9. And be it further enacted, That every president and director, before he acts as such, shall take an oath or affirmation that he will well and faithfully discharge the duties of his office; and any four of the directors, with the president, shall constitute a quorum for transacting any business of the company.

President and
directors to be
sworn.

SEC. 10. And be it further enacted, That the shares in the said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct, and that the shares held by any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from any such individual, in like manner as other personal property may be.

Shares to be
personal pro-
perty—made
liable to ex-
ecutions, as such.

SEC. 11. And be it further enacted, That there shall be a general meeting of the stockholders on the first Monday in June, and the first Monday in December, in every year, in the city of Washington, to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings; and on finding them justly and fairly stated, the stockholders then present, or a majority of them, shall give a certificate thereof; and at such half yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements or contingent charges, an equal dividend of all the nett profits arising from the wharfage and tolls hereby granted, shall be ordered, and made to and among all the stockholders of the said company, in proportion to their several shares: *Provided*, that if the nett profits shall, in any year, exceed fifteen per centum on the sum actually expended by the said company, in opening the said canal, and completing the same, the fifteen per centum only of the nett profits shall be divided among the stockholders, and the excess shall be paid to the mayor and city council of the city of Washington, for the use of the said city.

Annual meet-
ings to be held
of the stockhol-
ders.

SEC. 12. And be it further enacted, That for and in consideration of the expenses the said stockholders shall incur in cutting the canal, erecting locks, and in maintaining and keeping the same in repair, and in the enlargement and improvement of the same, the said company is hereby authorized to collect on all articles and materials landed on each side of the canal, from on board any boat or scow, or placed on either side of the said canal, for the purpose of being taken therefrom by any boat or scow, according to such rates as the president and directors may, from time to time, by their by-laws, order and direct: *Provided*, that the said rates shall, at no time hereafter, and in no particular, exceed the rates which are, or may be established by the owners of wharves in the city of Washington. And it shall and may be lawful for the said company to demand and receive, at the most convenient place, for all articles carried through the said canal, tolls not exceeding the following rates, that is to say: for each unloaded boat or scow twenty-five cents; for each barrel of flour two cents; for each barrel of beef or pork two cents; for each barrel of whiskey or brandy three cents; for each hogshead or pipe six cents; and upon all other articles, packages and com-

Dividends to
be made.

Proviso.

Tolls.

Proviso.

modities, one sixth part of the amount of tolls allowed by law to be received by the Potomac Company, at the Great Falls of the river Potomac. And the said company shall also have the exclusive right to establish a packet boat or boats upon the said canal for carrying passengers, and no other packet boat or boats, but such as are established or permitted by them, shall be allowed to carry passengers through the same for hire.

Public property free of toll.

Limitation of the time when the canal shall be finished.

Bridges may be erected over the canal.

Proviso.

Annual statement of the receipts and expenditures to be laid before Congress.

SEC. 13. *Provided always, and be it further enacted,* That all public property shall pass through the said canal free of toll, and also, that in case the said canal and one of the forks thereof, shall not be completed within the term of seven years from the passage of this act, in such manner as to admit boats and scows drawing three feet water to pass through the same, that the said canal shall revert to the United States, and all right and authority hereby granted to the said company shall cease and determine.

SEC. 14. *And be it further enacted,* That the said company shall, from time to time, whenever and wherever the mayor and city council shall order and direct, suffer bridges to be erected across the canal, and shall suffer the same when erected to be repaired: ***Provided,*** that every bridge so erected, shall be at least six feet above high water mark.

SEC. 15. *And be it further enacted,* That the president and directors of said company, after the said canal shall be opened and made passable for boats and scows drawing three feet water, shall annually, in the month of January, lay before the Congress of the United States, a just and true account of their receipts and expenditures, with a statement of the clear profits thereof.

APPROVED, February 16, 1809.

STATUTE II.

Feb. 17, 1809.

[Obsolete.]

CHAP. XVIII.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and nine.*

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 in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand, four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-eight thousand dollars.

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

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

1806, ch. 41.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first day of April, one thousand eight hundred and six, thirteen thousand five hundred and sixty dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

Specific appropriations.

For printing and distributing the laws of the second session of the tenth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with dispatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including the sum of one thousand dollars, for clerk hire, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars.

For expense of stationery, printing and incidental and contingent expenses of 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-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

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

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For defraying the expense of printing and stating the public accounts for the year one thousand eight hundred and nine, one thousand two hundred dollars.

For the purchase of books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and nine, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks,

Specific appropriations. and persons employed in his office, ten thousand nine hundred and ten dollars.

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

For compensation to the clerks employed in the paymaster's office, two thousand eight hundred dollars.

For contingent expenses in the said office, two hundred dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for expense of stationery, store rent and fuel for the said office, including the sum of five hundred dollars for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, five thousand one hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

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

1806, ch. 41.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including the sum of one thousand five hundred and forty-five dollars, for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. pertaining to the Postmaster-General's office, two thousand five hundred dollars.

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

For compensation to the clerks of the several commissioners of loans, and for allowances to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, and for stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, twelve hundred dollars.

The assayer, fifteen hundred dollars.

The chief coiner, fifteen hundred dollars.

The melter and refiner, fifteen hundred dollars.

The engraver, twelve hundred dollars.

One clerk, at seven hundred dollars.

And two clerks, at five hundred dollars each, one thousand dollars.

For wages to the persons employed in the different branches of melting, coining, carpenter's, millwright's and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron-work, and of six hundred dollars per annum, allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cast-rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the mint, three thousand, two hundred dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

Specific appropriations.

For incidental and contingent expenses of the executive officers of the said territory, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, seven thousand eight hundred dollars.

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

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

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

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

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

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

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

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

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

For the discharge of such 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, two thousand dollars.

For additional compensation to the clerks in the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-three cents.

1806, ch. 41.

For compensation granted by law to the chief justice, the associate judges and district judges of the United States, including the chief justice and two associate judges for the district of Columbia, to the attorney-general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensations granted to the marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and Orleans, including the compensation allowed to the marshals of New Jersey and North Carolina, for the three last quarters of the year one thousand eight hundred and eight, by the act of the twenty-fifth of February, one thousand eight hundred and eight, two thousand six hundred and fifty dollars.

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

For the payment of sundry pensions granted by the late government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred

Specific appropriations. and nine, to the fourth day of March, one thousand eight hundred and ten, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars and shoals, and certain contingent expenses, seventy-nine thousand and thirty-nine dollars and forty cents.

For erecting two lighthouses on Long Island sound, one on Watch-hill point, and the other on Sands or Watch point, the following sums, that is to say: the sum of two thousand six hundred and thirty-seven dollars and fifty cents, balance of a former appropriation for these objects carried to the "surplus fund," and the further sum of five thousand seven hundred dollars, in addition to the appropriations heretofore made for the same objects.

For placing buoys and beacons on or near the shoals and rocks in the channel leading into the harbor of Salem, in the state of Massachusetts, in addition to the sums heretofore appropriated for that purpose, sixty-seven dollars and twenty-nine cents.

For re-building two lighthouses on Plum Island, in the state of Massachusetts, ten thousand dollars.

For defraying the expenses of surveying the public land, within the several territories of the United States, eighteen thousand two hundred and forty dollars.

For expenses of the boards formed in the territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to the sum heretofore appropriated for that object, ten thousand dollars.

For the expense of taking the second census of the United States, being the balance of a former appropriation for that object, and carried to the surplus fund, thirteen thousand eight hundred and ninety dollars and ninety-six cents.

For the expense of returning the votes of President and Vice President of the United States, for the term commencing on the fourth day of March, one thousand eight hundred and nine, one thousand five hundred and ninety-three dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For the contingent expenses of intercourse with foreign nations, seventy-five thousand dollars.

For the expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the expenses of prosecuting claims in relation to captures, six thousand dollars.

For defraying the expenses of regulating, laying out, and making a road from Cumberland, in the state of Maryland, to the state of Ohio, agreeably to an act of Congress, passed the twenty-ninth day of March, one thousand eight hundred and six, the balance of a former appropriation made by the aforesaid act, for that object, having been carried to the surplus fund, sixteen thousand and seventy-five dollars and fifteen cents.

For defraying the expense of opening a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of North latitude, agreeably to an act of Congress, passed on the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, two thousand four hundred

dollars, and a further sum of five thousand dollars, in addition to the sums heretofore appropriated for that object.

For defraying the expense of opening a road or roads through the territory lately ceded by the Indians to the United States, from the Mississippi to the Ohio, and to the former Indian boundary line, which was established by the treaty of Greenville, agreeably to the last above recited act; the balance of a former appropriation made for that object having been carried to the surplus fund, one thousand eight hundred dollars and forty-eight cents.

For defraying the expense of opening a road from Nashville, in the state of Tennessee, to Natchez, in the Mississippi territory, agreeably to the aforesaid act of the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, three thousand dollars.

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

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 an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 17, 1809.

CHAP. XIX.—An Act extending the right of suffrage in the Indiana territory, 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 citizens of the Indiana territory, entitled to vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the United States, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States: any thing in the ordinance for the government of the said territory to the contrary notwithstanding.

SEC. 2. And be it further enacted, That the sheriffs of the several counties which now are, or may hereafter be established in the said territory respectively, shall, within forty days next after an election for a delegate to Congress, transmit to the secretary of the territory a certified copy of the returns from the several townships in their counties respectively. And it shall be the duty of the governor, for the time being, to give to the person having the greatest number of votes, a certificate of his election.

SEC. 3. And be it further enacted, That so soon as the governor of the said territory shall divide the same into five districts, the citizens thereof entitled to vote for representatives to the said general assembly, shall, in each of the said districts, elect one member of the legislative council, who shall possess the same powers heretofore granted to the legislative council in the said territory, and shall hold their offices four years, and no longer; any thing in the ordinance for the government of the said territory to the contrary notwithstanding.

SEC. 4. And be it further enacted, That the general assembly of the said territory shall have power to apportion the representatives of the several counties therein, or which may hereafter be established therein, according to the number of free white male inhabitants, above the age of twenty-one years, in such counties: *Provided*, that there be not more

Specific appropriations.

1806, ch. 41.

1790, ch. 34.

STATUTE II.

Feb. 27, 1809.

Delegates to Congress, by whom to be elected, and when.

1809, ch. 13.

Returns of the election, how to be made.

Representatives to the legislative council, how to be chosen.

General assembly to apportion the representatives.

Proviso.

(a) See notes to act of February 3, 1809, chap. 13.

than twelve, nor less than nine, of the whole number of representatives; any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants, above the age of twenty-one years, in said territory; after which time the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

APPROVED, February 27, 1809.

STATUTE II.

Feb. 28, 1809.

CHAP. XX.—An Act freeing from postage all letters and packets to Thomas Jefferson.

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 Thomas Jefferson, 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 28, 1809.

STATUTE II.

Feb. 28, 1809.

Act of March 3, 1803, ch. 27.

Act of March 27, 1804, ch. 61.

Act of March 2, 1805, ch. 24.

Act of Jan. 19, 1808, ch. 10.

Act of April 27, 1816, ch. 123.

Spanish grants, how to be established.

CHAP. XXII.—An act for the disposal of certain tracts of land in the Mississippi territory, claimed under Spanish grants, reported by the land commissioners as antedated, and to confirm the claims of Abraham Ellis and Daniel Harregal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several tracts of land, in the Mississippi territory, the titles to which have been derived under Spanish claims and which have been disallowed by the boards of commissioners east and west of Pearl river, on suspicion of the grants, warrants or orders of survey, on which the claims are grounded, being antedated or otherwise fraudulent, and which are embraced in the report of the said boards of commissioners, laid before Congress, agreeable to the third section of an act, intituled, "An act supplementary to the act intituled An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee," shall be, and the same are hereby directed to be sold, in the same manner, at the same price, and on the same terms and conditions, as have been, or may be by law provided for the sale of the other public lands in the said territory; and any person or persons claiming under a Spanish grant, warrant or order of survey as aforesaid, shall be entitled to institute, in the highest court of law or equity in the said territory, his or their suit or action for the recovery of the tract or tracts so claimed as aforesaid: *Provided*, such claimant or claimants shall institute his or their suit or action within the term of one year from and after the tract or tracts so claimed shall have been sold by the United States, or in case the same is now inhabited and cultivated, in virtue of a pre-emption right, within one year from and after the passing of this act; and if any person or persons, claiming lands as aforesaid, shall fail or neglect to commence or institute his or their suit or action, in the manner and within the time prescribed by this section, or shall be non-suit or discontinue the same, his or their right to commence such suit or action, in any court whatsoever, shall be forever barred and foreclosed.

SEC. 2. And be it further enacted, That if the person or persons claiming under such grant, warrant or order of survey, shall make it appear to the satisfaction of the court, before whom such suit or action shall be pending, that the tract of land therein specified, was actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, then, and in that case, the same shall be deemed and held to be good and valid, to all intents and purposes, any thing in this act to the contrary notwithstanding: But in case the claimant or claimants shall fail to prove the tract or tracts of land so claimed, to

Grants to be valid, must have been surveyed before the 27th October, 1795.

have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant or order of survey, granted by the Spanish government, as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the United States.

SEC. 3. *And be it further enacted,* That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence for the purpose of supporting or invalidating the grant, warrant or order of survey as aforesaid; and the judgment, sentence or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same or any other court, for the recovery of the same land or any part thereof.

SEC. 4. *And be it further enacted,* That Abraham Ellis be, and he is hereby confirmed in a tract of land granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying and being on the waters of Boyd's creek, according to the metes and bounds of said tract of land set forth in the plat thereof made by the surveyor-general of said province of West Florida; and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public monies west of Pearl river, in the Mississippi territory, for said tract of land, be refunded to him by the receiver aforesaid.

SEC. 5. *And be it further enacted,* That Daniel Harregal be and he is hereby confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the register of the land-office, west of Pearl river, in the Mississippi territory.

APPROVED, February 28, 1809.

Parole evidence lawful for supporting or invalidating grants.

Abraham Ellis confirmed in his title to a tract of land.

Daniel Harregal also confirmed in his title.

STATUTE II.

CHAP. XXIII.—*An Act for the relief of certain Alabama and Wyandott Indians.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be surveyed and designated by proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States, lying in the territory of Orleans, and west of the river Mississippi, and by lease vest the said tract of land in a certain tribe of Alabama Indians and their descendants, for the term of fifty years: *Provided nevertheless,* that it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer, or assignment, shall be null and void: *And provided also,* that if the said tribe of Indians shall remove from the said tract of land, their interest in, and to, the same shall thenceforth cease and determine.

President to cause a tract of land in the Orleans territory to be laid off for the Alabama Indians.

Proviso.

Proviso.

Secretary of the Treasury to cause two tracts of land in Michigan to be laid off for the Wyandotts.

SEC. 2. *And be it further enacted,* That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan territory, one including the village called Brown's town, and the other the village called Maguaga in the possession of the Wyandott tribe of Indians, containing in the whole not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandotts, and their descendants, and be secured to them in the same manner, and on the same terms and conditions as is provided in relation to the Alabama Indians, by the first section of this act.

APPROVED, February 28, 1809.

STATUTE II.

March 1, 1809.

[Expired.]

Act of June 28, 1809, ch. 9.
 Entrance of the ports and harbors of the U. States forbidden to the public vessels of England and France, after March 1, 1809.

President may cause eventual measures to be taken by the naval forces and militia.

Intercourse with such vessels forbidden, or to supply them with necessities.

Penalties, from 100 to 10,000 dollars.

CHAP. XXIV.—*An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; 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 from and after the passing of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

SEC. 2. And be it further enacted, That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers or crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall

(a) Cases decided on the non-intercourse laws:—

Upon an indictment under the non-intercourse laws, for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9, 1809, the punishment of which offence is a fine of four times the value of the goods, it is not necessary that the jury should find the value of the goods. *United States v. John Tyler*, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. *The Brig Penobscot v. The United States*, 7 Cranch, 356; 2 Cond. Rep. 528.

Wines, the produce of France, imported into the United States before the non-intercourse act; re-exported to a Danish island, and there sold to a merchant of that place; and thence exported to New Orleans, during the operation of the non-intercourse law, were liable to forfeiture under that law. *The schooner Hoppet v. The United States*, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1, 1809, was in force between the 2d of February and the 2d of March, 1811, by virtue of the President's proclamation of November 2, 1810. *The schooner Anne v. The United States*, 7 Cranch, 570.

The non-intercourse act of 28th June, 1809, which requires a vessel bound to a permitted port, to give bond in double the amount of vessel and cargo, not to go to a prohibited port, is applicable to a vessel sailing in ballast. *The ship Richmond v. The United States*, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay off the coast of the United States, to receive instructions from her owners in New York; and if necessary, to drop anchor; and in case of a storm to make a harbor; and if prevented by a mutiny of her crew from putting to sea again, she might wait in the waters of the United States for orders. *The cargo of the ship Fanny*, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the 3d section of the act of 28th June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. *The Edward, Scott claimant*, 1 Wheat. 261; 3 Cond. Rep. 565.

The obvious intention of the legislature of the United States, by the non-intercourse laws, was to prohibit the American citizens and property from a commerce with foreign nations. *The Sally and cargo*, 1 Gallis. C. C. R. 58.

At no time was it illegal for a foreign vessel to depart from the United States in ballast. *Ibid.*

also be imprisoned for a term not less than one month, nor more than one year.

SEC. 3. And be it further enacted, That from and after the twentieth day of May next, the entrance of the harbors and waters of the United States and the territories thereof be, and the same is hereby interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered or employed by the government of either country, for the sole purpose of carrying letters or despatches, and also vessels forced in by distress or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall after the said twentieth day of May next, arrive either with or without a cargo, within the limits of the United States or of the territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States or the territories thereof, having competent jurisdiction, and all and every act and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby repealed.

SEC. 4. And be it further enacted, That from and after the twentieth day of May next, it shall not be lawful to import into the United States or the territories thereof, any goods, wares or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any goods, wares or merchandise whatever, being of the growth, produce or manufacture of France, or of any of her colonies or dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, or being of the growth, produce or manufacture of any place or country in the actual possession of either France or Great Britain: *Provided*, that nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

SEC. 5. And be it further enacted, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles.

SEC. 6. And be it further enacted, That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat,

After the 20th May, all vessels under the flag of Great Britain or France interdicted.

Any vessel under the flag of Great Britain or France shall be forfeited, and if with a cargo, the same to be forfeited.

Importation of goods, &c. from England and France and their dependencies forbidden.

Vessels excepted which cleared for any port beyond the Cape of Good Hope prior to December 22, 1807.

Forfeiture of prohibited articles, &c. &c.

With treble damages.

Articles prohibited to be forfeited if put into vessels, &c. &c. destined for the U. States after 20th May, 1809.

Treble the value of articles.

Prohibited articles not contained in manifest, or included in entry to be forfeited arriving after 20th May, 1809.

Powers of the collector, &c. &c. with respect to seizures.

Persons concealing goods liable to forfeiture.

Additions to the oaths on importation.

Oaths and affirmations to be taken by importers, &c.

Form of oath or affirmation.

President may cause by proclamation a renewal of intercourse.

raft or carriage, such ship or vessel, boat, raft or carriage shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

SEC. 7. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board of any ship or vessel, boat, raft or carriage, arriving after the said twentieth of May next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed without a permit, the same penalties, fines, and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import in relation to articles liable to duties on their importation into the United States.

SEC. 8. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise which he or they now have by law in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

SEC. 9. *And be it further enacted*, That the following additions shall be made to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the twentieth of May, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board, (*insert the denomination and name of the vessel*) any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law: and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

SEC. 10. *And be it further enacted*, That the following addition be made, after the twentieth of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the territories thereof, viz. "I also swear, (or affirm) that there are not, to the best of my knowledge and belief, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law; and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district."

SEC. 11. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended

by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided*, that all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall by virtue of this section be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act.

SEC. 12. And be it further enacted, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be, and the same is hereby repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said acts as is repealed by this act, or which have been or may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 13. And be it further enacted, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act, intituled "An act to enforce and make more effectual an act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto," shall have been complied with. And the party or parties to the above mentioned bond shall, within a reasonable time after the date of the same, to be expressed in the said bond, produce to the collector of the district, from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss at sea.

SEC. 14. And be it further enacted, That so much of the act laying

All penalties
and forfeitures
incurred to be
collected.

Vessels bound
to foreign ports
not to trade with
prohibited
ports.

Embargo rais-
ed, except as to
England and
France, after
March 15, 1809.
Act of Dec.
22, 1807, ch. 5.
Act of Jan. 8,
1808, ch. 6.

Proviso, that
the repeal of
these acts shall
not release from
penalties and
forfeitures in-
curred.

Bonds to be
given when ves-
sels are bound
to permitted
ports, that the
cargoes shall
not be landed
in any other
places, &c. &c.

Act of Jan. 9,
1809, ch. 5.

Certain restrictions with respect to coasting vessels taken off.

No coasting vessel to depart without producing bond.

Distribution of penalties.

Regulations respecting coasting vessels bound to foreign ports.

Proviso, in favour of vessels whose employment has been confined to rivers.

Penalties, &c.

Vessels departing without giving bond.

Non-importation acts repealed.

Act of April 18, 1806, repealed.

Proviso.

Penalties and forfeitures.

an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said States, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby repealed, from and after the fifteenth day of March, one thousand eight hundred and nine: *Provided however*, that all penalties and forfeitures which shall have been previously incurred by any of the said acts, or which may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts, as is not repealed by this act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

SEC. 15. And be it further enacted, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said States or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, nor shall it be lawful to put on board any such vessel any specie or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorized by the collector to grant such permits; nor unless the owner, consignee, agent, or factor shall, with the master, give bond with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient in the case of any such vessel, whose employment has been uniformly confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

SEC. 16. And be it further enacted, That if any ship or vessel shall, during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, depart from any port of the United States without a clearance or permit, or having given bond in the manner provided by law, such ship or vessel, together with her cargo, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel shall, moreover, severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same.

SEC. 17. And be it further enacted, That the act to prohibit the importation of certain goods, wares and merchandise, passed the eighteenth of April, one thousand eight hundred and six, and the act supplementary thereto, be, and the same are hereby repealed, from and after the said twentieth day of May next: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of the said acts shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 18. And be it further enacted, That all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for,

prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and 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," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated or 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," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

SEC. 19. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer; and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next session of Congress.

APPROVED, March 1, 1809.

Recovery and mitigation of.

Act of March 2, 1799, ch. 22.

Act of March 3 1797, ch. 13.

1800, ch. 6.

Continuance of this act.

Repeal of the embargo acts.

CHAP. XXV.—*An Act making provision for the further accommodation of the household of the President of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he is hereby authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of any money in the treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

APPROVED, March 2, 1809.

STATUTE II.

March 2, 1809.

[Obsolete.]

Fourteen thousand dollars appropriated.

CHAP. XXVI.—*An Act to extend the time for making payment for the public lands of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who hath heretofore purchased any of the public lands of the United States, at any of the land-offices established for the disposal of the said lands, whether such purchase was made at public or private sale (sales by virtue of a pre-emption right only excepted), and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, and the time for making the last payment on account of such purchase according to former laws, may have expired, or shall expire, on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions; that is to

STATUTE II.

March 2, 1809.

[Obsolete.]

Act of April 30, 1810, ch. 33.

Further time allowed for completing payments to those who purchased lands.

Arrears of interest to be paid.

Payment of the residue with interest.

Penalty on failure to pay arrears of interest, &c.

Act of April 30, 1810, ch. 36.

say:—First, That all the arrears of interest, on the land purchased, to the end of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year. Second, That the residue of the sum, due on account of the principal of such purchase, shall be paid with interest thereon, in two equal annual payments, viz. one half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest on each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

APPROVED, March 2, 1809.

STATUTE II.

March 2, 1809.

CHAP. XXVII.—*An Act further to amend the Judicial System of the United States.*

Circuit court of the U. States to perform the duties of the district courts, in cases of the disability of the district judges.

Justices of the supreme court to direct the clerk of the district court to certify to the next circuit court all actions, &c. depending in the district court.

Notice to be published.

Justice of the supreme court to exercise the powers of district judge during disability of the district judge.

Nothing in this act shall require the judge of the supreme court to hold any special court or court of admiralty at any other time than the legal time of

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the disability of the district judge of either of the districts of the United States to hold a district court, and to perform the duties of his office, and satisfactory evidence thereof being shown to the justice of the supreme court, allotted to that circuit in which such district court ought by law to be holden; and on application of the district attorney or marshal of such district in writing to the said justice of the supreme court, said justice of the supreme court shall thereupon issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be holden in said district, all actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, that may be depending in said district court and undetermined, with all the proceedings thereon, and all files and papers relating thereto; which said order shall be immediately published in one or more newspapers, printed in said district, and at least thirty days before the session of such circuit court, and shall be deemed a sufficient notification to all concerned. And the said circuit court shall thereupon have the same cognizance of all such actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, and in the like manner as the district court of said district by law might have, or the circuit court, had the same been originally commenced therein; and shall proceed to hear and determine the same accordingly; and the said justice of the supreme court during the continuance of such disability shall moreover be invested with and exercise all, and singular, the powers and authority, vested by law in the judge of the district court in said district. And all bonds and recognizances taken for or returnable to such district court shall be construed and taken to be to the circuit court, to be holden thereafter, in pursuance of this act, and shall have the same force and effect in such circuit court, as they could have had in the district court to which they were taken: *Provided*, that nothing in this act contained shall be so construed as to require of the judge of the supreme court within whose circuit such district may lie, to hold any special court, or court of

admiralty, at any other time than the legal time for holding the circuit court of the United States in and for such district.

SEC. 2. *And be it further enacted,* That the clerk of such district court shall, during the continuance of the disability of the district judge, continue to certify as aforesaid, all suits or actions of what nature or kind soever, which may thereafter be brought to such district court, and the same transmit to the circuit court next thereafter to be holden in the same district; and the said circuit court shall have cognizance of the same in like manner as is herein before provided in this act, and shall proceed to hear and determine the same: *Provided nevertheless,* that when the disability of the district judge shall cease or be removed, all suits or actions then pending and undetermined in the circuit court, in which by law the district courts have an exclusive original cognizance, shall be remanded, and the clerk of the said circuit court shall transmit the same, pursuant to the order of said court, with all matters and things relating thereto, to the district court next thereafter to be holden in said district, and the same proceedings shall be had therein in said district court as would have been, had the same originated or been continued in the said district court.

SEC. 3. *And be it further enacted,* That in case of the district judge in any district being unable to discharge his duties, as aforesaid, the district clerk of such district shall be authorized and empowered, by leave or order of the circuit judge of the circuit in which such district is included, to take, during such disability of the district judge, all examinations and depositions of witnesses, and make all necessary rules and orders preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

APPROVED, March 2, 1809.

the session of
the circuit
court.

Duties of the
district clerks
under this act.
Process &c.
&c.

On the ceas-
ing of the dis-
ability of the
district judge, all
causes shall be
remanded to the
district court.

District clerks
during the dis-
ability of the
judges, to take
examinations,
make rules, &c.
&c.

CHAP. XXVIII.—*An Act further to amend the several acts for the establishment and regulation of the Treasury, War and Navy departments.*

March 3, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the monies paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the comptroller of the treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the accountants of the war or navy department respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public monies, shall render distinct accounts of the application of such monies according to the appropriation or appropriations under which the same shall have been drawn, and the Secretary of War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided nevertheless,* that during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion

Act of May 8,
1792, ch. 37.
Act of March
3, 1793, ch. 48.
Act of April
21, 1808, ch. 48.
Act of March
3, 1817, ch. 45.
Act of May 1,
1820, ch. 50.

Warrants to
be charged to
the distinct ap-
propriations on
which they are
founded.

Payments to
be charged to
specific approp-
riations.

Separate ac-
counts to be
rendered to
Congress by the
officers.

The President
during the re-
cess of Con-
gress may order
a portion of the
monies appro-

priated for a particular branch of expenditure to be applied to another branch of expenditure in the same department; this application, to be laid before Congress.

Comptroller of the treasury authorized to cause the settlement of certain accounts.

Annual statement to be laid before Congress by the comptroller of certain delinquencies.

Agents for the purchase of supplies and making of contracts, and disbursements.

The President may during the recess of the Senate appoint agents and fix the number and compensation.

Limitation of the compensation.

Agents, &c. to give bonds.

To keep the public money in banks, &c. &c.

Purchases and contracts, how to be made, &c. &c.

An annual statement of contracts and purchases to be laid before Con-

of the monies appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department, in which case a special account of the monies thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

SEC. 2. And be it further enacted, That it shall be the duty of the comptroller of the treasury, in every case where in his opinion further delays would be injurious to the United States, and he is hereby authorized to direct the auditor of the treasury, and the accountants of the war and navy departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said comptroller shall also lay an annual statement before Congress, during the first week of their session, of the accounts in the treasury, war or navy departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, prior to the thirtieth of September then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States.

SEC. 3. And be it further enacted, That exclusively of the purveyor of public supplies, paymasters of the army, pursers of the navy, military agents, and other officers already authorized by law, no other permanent agents shall be appointed either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner, of monies for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: **Provided**, that the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate at their next session, for their advice and consent, and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: **Provided**, that the compensation allowed to either shall not exceed one per centum on the public monies disbursed by him, nor in any instance the compensation allowed by law to the purveyor of public supplies.

SEC. 4. And be it further enacted, That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall give bond with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the military agents, the purveyor of public supplies, the pursers of the navy, and the agents appointed by virtue of the preceding section, shall, whenever practicable, keep the public monies in their hands, in some incorporated bank, to be designated for the purpose by the President of the United States, and shall make monthly returns in such form as may be prescribed by the treasury department, of the monies received and expended during the preceding month, and of the unexpended balance in their hands.

SEC. 5. And be it further enacted, That all purchases and contracts for supplies or services which are or may, according to law, be made by, or under the direction of either the Secretary of the Treasury, the Secretary of War, or the Secretary of the Navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: And an annual statement of all such contracts and purchases, and also of the expenditure of the monies appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous

claims not otherwise provided for, and paid at the treasury, shall be laid before Congress at the beginning of each year, by the secretary of the proper department.

APPROVED, March 3, 1809.

gress at the beginning of each year.

CHAP. XXIX.—*An Act making a further appropriation towards completing the two wings of the Capitol at the city of Washington, and for other purposes.*

March 3, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, that is to say:

For improvements and repairs of the House of Representatives, six thousand dollars.

Specific appropriations.

For completing the work in the interior of the north wing, comprising the Senate chamber, court room, &c. &c. twenty thousand dollars.

For completing the staircase, and providing temporary and adequate accommodations for the library, in the room now used for that purpose, and in the one in which the Senate now sit, five thousand dollars.

For improvements and repairs of the President's house and square, including a carriage house, twelve thousand dollars.

SEC. 2. And be it further enacted, That the several sums of money hereby appropriated shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1809.

STATUTE II.

CHAP. XXX.—*An Act supplementary to the act intituled “An act to amend the charter of Georgetown.”*

March 3, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following shall, and are hereby declared to be the limits of Georgetown, in the district of Columbia, any law or regulation to the contrary notwithstanding, that is to say: beginning in the middle of College street, as laid down and designated in Fenwick's map of the said town, at or near to the bank of the river Potomac; thence by a straight line drawn northerly through the middle of said street to the middle of First street; thence by a line drawn through the middle of First street to a point directly opposite to the termination of the eastern line of the lots now enclosed as the property of the college; thence northerly by the eastern line of said enclosure as far as the same extends; thence in the same northerly direction to the middle of Fourth street; thence eastwardly by a line drawn along the middle of Fourth street to a point at the distance of one hundred and twenty feet westward from the west side of Fayette street; thence northerly by a line drawn parallel to Fayette street at the said distance of one hundred and twenty feet westward from the west side thereof, until it intersects a boundary line of Beatty and Hawkins' addition to Georgetown; thence westwardly by said boundary line as far as it extends; thence by the courses and distances of the several other boundary lines of Beatty and Hawkins' addition aforesaid, that is to say: westwardly, northwardly, eastwardly and southwardly, to a point opposite to the middle of Road street, and opposite or nearly opposite to the middle of Eighth street; thence eastwardly by a line drawn through the middle of Road street, as it now runs, and as far as it extends; thence eastwardly by a line drawn parallel to Back street, and continued in the same direction to the middle of Rock creek; thence by the middle of the same creek and the middle of the Potomac river to a

Boundaries of Georgetown.

point directly opposite to the middle of College street aforesaid; thence to the place of beginning.

Corporation of Georgetown to cause a survey to be made of the town.

To be recorded in the clerk's office of Washington county.

Rights and powers formerly granted to the corporation, to be exercised by them.

Corporation of the town may lay out streets, &c. &c.

Regulations for opening streets, &c.

Proviso.

The recorder to be a member of the corporation.

SEC. 2. *And be it further enacted,* That the corporation of Georgetown be, and they are hereby authorized and directed to cause a complete and accurate survey to be made of the said town agreeably to the courses and limits prescribed in the preceding section of this act, and to establish and fix, from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of the said town, and after the said survey shall have been so made, and approved by the corporation, the same shall be admitted to record in the clerk's office for the county of Washington in the district of Columbia.

SEC. 3. *And be it further enacted,* That all the rights, powers and privileges heretofore granted to the said corporation by the general assembly of Maryland, and by the act to which this is a supplement, and which are at this time claimed and exercised by them, shall be and remain in full force and effect, and may and shall be exercised and enjoyed by them within the bounds and limits set forth and described in the first section of this act.

SEC. 4. *And be it further enacted,* That the said corporation shall have power to lay out, open, extend and regulate streets, lanes and alleys, within the limits of the town, as before described, under the following regulations, that is to say: the mayor of the town shall summon twelve freeholders, inhabitants of the town, not directly interested in the premises, who, being first sworn to assess and value what damages would be sustained by any person or persons by reason of the opening or extending any street, lane or alley, (taking all benefits and inconveniences into consideration) shall proceed to assess what damages would be sustained by any person or persons whomsoever, by reason of such opening or extension of the street, and shall also declare to what amount in money each individual benefited thereby shall contribute and pay towards compensating the person or persons injured by reason of such opening and extension: and the names of the person or persons so benefited, and the sums which they shall respectively be obliged to pay, shall be returned under their hands and seals to the clerk of the corporation, to be filed and kept in his office; and the person or persons benefited by opening or extending any street, and assessed as aforesaid, shall respectively pay the sums of money so charged and assessed to them, with interest thereon at the rate of six per cent. per annum, from the time limited for the payment thereof until paid; and the sums of money assessed and charged in manner aforesaid to each individual benefited in manner aforesaid, shall be a lien upon and bind all the property so benefited to the full amount thereof: *Provided always*, that no street, lane, or alley, shall be laid out, opened or extended, until the damages assessed to individuals in consequence thereof shall have been paid, or secured to be paid: *And provided also*, that nothing in this act contained shall be so construed or understood as to authorize the corporation of Georgetown to locate, lay out, or open any street, lane, alley or other way, through any of the squares or lots situated in that part of Thomas Beall's second addition to Georgetown, which lies north of Back street, without the consent and permission of the owner or proprietor of such square or lot, first had and obtained in writing, which consent and permission shall be acknowledged in the presence of, and such acknowledgment certified by the mayor of the town aforesaid, or some justice of the peace for the county of Washington.

SEC. 5. *And be it further enacted,* That the recorder of the corporation shall be, and he is hereby declared to be a member of the board of aldermen, to all intents and purposes whatsoever.

APPROVED, March 3, 1809.

CHAP. XXXI.—*An Act to authorize the making of a Turnpike Road from Mason's Causeway, to Alexandria.*

STATUTE II.
March 3, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Mason, David Wiley, Henry Foxall, John Cox and John W. Bronaugh, be, and they are hereby appointed and constituted a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books as they may deem proper, by themselves, or by their agents, subscriptions for raising a capital stock of twenty thousand dollars in shares of one hundred dollars each, for the purpose of opening, graveling and improving a road from the west end of Mason's causeway to Alexandria, in the district of Columbia, the times, places, and manner of receiving and entering subscriptions, and the manner of authenticating powers of attorney, or other instruments of writing authorizing subscriptions to be made by any person or persons, in the name of any other person or persons, to be ascertained by said board of commissioners, and duly advertised in such gazettes or public prints as they may deem expedient: Provided, that the books for receiving and entering subscriptions shall be opened on or before the first day of May next, and that no subscription shall be received unless the sum of ten dollars be first paid into the hands of such agent or other person as said commissioners may authorize to receive it.

SEC. 2. *And be it further enacted, That when any number of persons shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners, or a majority of them may, and when the whole number of shares aforesaid shall be subscribed, shall give notice in some newspaper, printed in the district of Columbia, of a time and place to be by them appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes to be delivered by ballots in person, or by proxy duly authorized, shall elect one president and four directors, to conduct the business of said company for one year, and until other such officers shall be chosen in their place, and may make such rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, as shall be necessary for the well being of the affairs of said company:*

Provided always, that no stockholder shall, in person or by proxy, have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold, and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held under said number; and all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the president, directors and company of the Georgetown and Alexandria turnpike road, and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking, and holding to them and their successors and assigns in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing concerning the subject aforesaid, which a corporation or body politic may lawfully do.

Commissioners to be appointed.

Directors to be appointed.

Proviso, as to the powers of voting.

Meetings of
the company.

Their powers.

Printed cer-
tificates of
shares, &c. &c.

Penalty on
non-payment of
instalments on
shares.

Meetings of
the president
and directors.

Route or
course of the
road.

SEC. 3. *And be it further enacted,* That the said company shall meet on the first Monday in February, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid, at which annual or special meetings they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company.

SEC. 4. *And be it further enacted,* That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable, at his or her pleasure in person, or by attorney, in the presence of the president or treasurer, subject however to all payments due or to grow due thereupon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company, and for every certificate by him held, shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days' notice in a public paper printed in each of the towns of Alexandria and Georgetown, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place shall be forfeited to the said company, and may be sold by them to any person or persons, willing to purchase, for such price as can be obtained, and in case such share or shares should not, on a sale so to be made, produce a nett sum equal to the portion or dividends then remaining to be paid thereon, such deficiency may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; and in all such warrants and motions the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and *prima facie* evidence of the amount due on the share or shares held by such defendant.

SEC. 5. *And be it further enacted,* That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer, and agree with and appoint all such surveyors, intendants, artists, or other agents as they shall judge necessary to carry on the intended works, and to fix their salaries, wages or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay monies due on their respective shares; to draw orders on the treasurer for all monies due from the said company, and generally to do and transact all such other matters, acts and things, as by the by-laws, rules, and regulations of said company, shall be required or permitted.

SEC. 6. *And be it further enacted,* That the said president and directors shall cause to be surveyed, laid down, ascertained and fixed, the said turnpike road, from the west end of Mason's causeway, and passing near to the head of the tide water of Four Mile run, at a place called Adam's Mill, and thence to the limits of Alexandria, in such route or track for the same, as in the best of their judgment and skill

will combine shortness of distance with the most convenient ground, and the smallest expenditure of money; and it shall be lawful to and for the said president and directors, their surveyors and agents, to enter upon all and every the lands and enclosures in, through and over which the said turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and beds of stone, and gravel, and other materials in the vicinity, that will be useful in making the said road: *Provided*, that the said road shall not be so laid out as to intersect the road laid out and established by the Washington and Alexandria turnpike company, without the consent of the said company.

SEC. 7. *And be it further enacted*, That it shall and may be lawful to and for the president and directors, by and with their superintendents, artists and labourers, with their tools and instruments, with carts, wagons and other carriages, and beasts of draft or burthen, to enter upon the lands in, over or near to which the route or tract of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done, by a reasonable agreement, if they can agree; but if they cannot agree, then by appraisement, to be made upon oath or affirmation, by three indifferent freeholders or any [two] of them agreeing, to be mutually chosen, or if they cannot agree in a choice, or if the owners upon due notice shall neglect or refuse to join in the choice, then to be appointed by one of the judges of the circuit court of the district of Columbia, and having tendered the appraised value so as aforesaid to be made, it shall be lawful to cut, dig, take, and carry away any logs, stone, gravel, sand, or earth most conveniently situate for making or repairing said road; and it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any ground to be occupied by the road, and the necessary toll houses and gates for the right thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the said circuit court, the said judge shall issue a warrant, directed to the marshal of the district, to summon a jury of twenty-four inhabitants of the district of Columbia, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty thereafter; and the marshal upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every juryman that shall appear, that he shall faithfully, justly and impartially, value the lands and all damages the owner thereof shall sustain, by opening the road through such land, according to the best of his skill and judgment, and that the inquisition thereupon taken, shall be signed by the marshal and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive upon all persons, and shall be paid by the president and directors to the owner of the land or his or her legal representative, and on payment thereof, said land shall be taken and occupied for a public road and for the necessary toll houses and gates, for ever. The said president and directors shall cause the said road to be laid out, not exceeding eighty feet in width, twenty-four feet whereof in breadth, at least, shall be made an artificial road of stone, gravel or other hard substance, of sufficient depth or thickness, to secure a solid and firm road, with a surface as even as the materials will admit, and so nearly level

Proviso.

Property thro'
which the road
is to pass, how
to be condemn'd.

Proceedings.

Dimensions
and quality of
the road.

as that it shall in no place rise or fall more than an angle of four degrees with an horizontal line; and the said road shall for ever hereafter be maintained and kept in good and perfect repair; and wheresoever any bridge over any part of the said road shall be deemed necessary, the same shall be built of sound and suitable materials.

When the tolls may become receivable.

Rates of tolls.

SEC. 8. *And be it further enacted,* That so soon as the president and directors shall have perfected the said road from the west end of Mason's causeway to Alexandria, and in the route aforesaid, they shall give public notice thereof in some newspaper printed in the district of Columbia, and it shall be lawful for them thereafter to erect and fix such and so many gates or turnpikes not exceeding three, upon and across the said road, as shall be necessary and sufficient to collect the tolls herein after granted to the said company, and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary to collect and receive of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person or persons, riding, leading, or driving any horses, mules, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burthen or pleasure, from passing through the said gates, until the said tolls shall be paid, that is to say; for the whole distance in length of said road, and so in proportion for any lesser distance, viz. For every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, sixteen cents; for every horse or mule with or without a rider, four cents; for every sulkey, chair, chaise, or carriage of pleasure, with two wheels and one horse, eight cents; for every coach, chariot, stage wagon, coachee, phaeton or chaise, with four wheels and two horses, sixteen cents; for any carriage last mentioned with four horses, twenty cents; for every other carriage of pleasure under whatever name it may go, the like sums, according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, six cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, four cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed four inches in breadth, five cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches, and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, one and a half cents for every horse drawing the same; and that all such carriages as aforesaid, to be drawn by oxen in the whole or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse: *Provided*, that no turnpike gate shall be erected within one mile of the line of the town of Alexandria.

No gate to be erected within one mile of Alexandria.

Regulations to be made by the president and directors.

Mile-stones to be put up.

List of tolls to be marked on the gates.

SEC. 9. *And be it further enacted,* That it shall be lawful for the said president and directors, by their by-laws, to make any rule or regulation respecting the burdens on carriages to be drawn over the said road, which shall be deemed reasonable and proper, and from time to time to alter the same; and the said president and directors shall cause mile-stones to be placed on the side of said road, noting the distance from the north bounds of Alexandria, and at every gate or turnpike, shall cause the distance from the north bounds of Alexandria, and the distance from the west end of Mason's causeway, to be marked in legible characters on some conspicuous part of said gate; and shall cause, also, to be affixed at such places, a printed list of the tolls, which may be demanded of those using the said road; and for every day the same shall

be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same: all wagoners and drivers of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by another carriage of slower draft going in the same direction, keep their horses and carriage on the right hand side of the said road, leaving the other side of the road clear and free for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay two dollars to any person obstructed in his passage, who shall sue for the same, to be recovered, with costs, before any justice of the peace, in the same manner as small debts are recoverable; and moreover, shall be liable to the party injured, by suit at common law, for any special damage done.

SEC. 10. And be it further enacted, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all monies to be received by them from the said commissioners, and from the stockholders, or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all monies by them to be expended, in the prosecution of their said work, and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges, and expenses of effecting the same shall be fully liquidated, paid and discharged; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders to be convened according to the provisions of this act, or their own by-laws and rules, to increase the number of shares to such extent as shall be necessary to accomplish the work, and to demand and receive the monies subscribed for such shares, in like manner and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

SEC. 11. And be it further enacted, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all the monies to be received by their several collectors of tolls at the turnpike gates on the said road, and shall make and declare a half-yearly dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half-yearly dividend aforesaid, in some newspaper printed in the district of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

SEC. 12. And be it further enacted, That it shall be the duty of the said corporation to keep the said road in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said road to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court, and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action of trespass on the case in any court competent to try the same: *Provided always, and be it further enacted,* That whenever the nett proceeds of tolls collected on said road shall amount to a sum sufficient to reimburse the capital, which shall be expended in the purchase of said land and making said road, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the district of Columbia, in the county of Alexandria, the same shall become a free road, and

Penalties for
obstructing the
road.

President and
directors to
cause accounts
to be kept, &c.

May increase
the stock.

Dividends,
how to be made
and accounted
for.

Road to be
kept in repair.

Penalty.

When the
road shall be-
come a free
one.

toll shall be no longer collected thereon; and said company shall annually make returns to said circuit court of the amount of tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

Penalty for
evading the
payment of
tolls.

SEC. 13. *And be it further enacted,* That if any person or persons, riding in, or driving any carriage of any kind, or leading, riding or driving any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars or fence, or over any private way or passage, or pass through any toll-gate under any pretended privilege or exemption, to which he or she, or they, may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act, such person or persons, for every such offence, shall forfeit to the said president and directors, not less than three, nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, that it shall not be lawful for the company to ask, demand or receive from or for persons living on or adjacent to the said road, who may have occasion to pass by said road upon the ordinary business relating to their farms, so far as the limits of the same may extend on the road, who shall not have any other convenient road or way by which they may pass from one part to another part thereof, any toll for passing on or by the said turnpike.

Proviso.

APPROVED, March 3, 1809.

STATUTE II.

March 3, 1809.

Act of July 11, 1798, ch. 72.
Act of March 2, 1799, ch. 37.
Augmentation of the marine corps authorized.

CHAP. XXXIII.—*An Act authorizing an augmentation of the Marine Corps.*(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 shall be, and he is hereby authorized to cause the marine corps in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be respectively allowed the same pay, bounty, clothing and rations, and shall be employed under the same rules and regulations to which the said marine corps are, or shall, be entitled and subject.

Term of establishments.

SEC. 2. *And be it further enacted,* That from and after the passage of this act, all enlistments in the said corps, shall be for the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

APPROVED, March 3, 1809.

STATUTE II.

March 3, 1809.

[Obsolete.]

Further appro-
priation.

Act of April 18, 1796, ch. 13.
Act of April 21, 1806, ch. 48.
Act of March 2, 1811, ch. 30.

Appropriation for an additional clerk in the superintendant's office.

CHAP. XXXIV.—*An Act supplemental to the act intituled "An act for establishing trading houses with the Indian tribes."*(b)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum, not exceeding forty thousand dollars, in addition to the sum heretofore appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner prescribed by the act, intituled "An act for establishing trading houses with the Indian tribes," be, and the same is hereby appropriated, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

SEC. 2. *And be it further enacted,* That the sum of eight hundred dollars be, and the same is hereby appropriated out of any monies in the treasury of the United States not otherwise appropriated, for an additional clerk in the office of the superintendant of Indian trade.

(a) See notes of the acts passed relating to the Marine Corps, vol. i. 594.

(b) See notes to the act of April 18, 1796, chap. 13.

SEC. 3. *And be it further enacted,* That the proviso to the twelfth section of the act, intituled "An act for establishing trading houses with the Indian tribes," be, and the same is hereby repealed.

SEC. 4. *And be it further enacted,* That the act to which this is a supplement, and also this act, shall, from and after the twenty-first day of April next, commence and be continued in force, for and during the term of three years, and no longer.

APPROVED, March 3, 1809.

CHAP. XXXVI.—*An Act making appropriations for the support of the Military establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States for the year one thousand eight hundred and nine, for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay of the army of the United States, eight hundred and sixty-eight thousand two hundred and forty dollars.

For forage, sixty-four thousand six hundred and twenty-four dollars.

For subsistence, six hundred and forty-one thousand two hundred and twenty-eight dollars and thirty-five cents.

For clothing, two hundred and ninety-three thousand two hundred and sixty-four dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, forty-five thousand dollars.

For camp equipage, fuel, tools and transportation, two hundred and seventy thousand dollars.

For ordnance, seventy-five thousand dollars.

For purchasing horses, saddles and bridles for the light dragoons, and for the light artillery fifty-one thousand seven hundred and twenty dollars.

For forage for the horses for the regiment of light artillery, ten thousand eight hundred dollars.

For fortifications, arsenals, magazines and armories, two hundred and nineteen thousand and thirty-four dollars and seventy-five cents.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agent's offices, and in the office of inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and twenty-five thousand six hundred dollars.

For the purpose of paying James Powell, late collector of Savannah, the amount of monies advanced by him to Solomon Ellis, contractor for supplying rations to the troops of the United States, in the state of Georgia, including a commission of two per centum to the collector, twenty-seven thousand six hundred and twenty-one dollars and eight cents.

For the purpose of paying Ferdinand Phinizy, late contractor for supplying the troops in Georgia, a balance due to him as admitted by the comptroller of the treasury, on the twenty-fourth of July, one thousand seven hundred and ninety-nine, one thousand three hundred and ninety-three dollars and thirty-nine cents.

SEC. 2. *And be it further enacted,* That for defraying the expenses of the navy of the United States, during the year one thousand eight

A proviso of a former law repealed.

Act of April 21, 1806, ch. 48.

Continuance of this act and of the one to which it is a supplement.

STATUTE II.

March 3, 1809.

Specific appropriations.

Specific appropriations.
1809, ch. 11. hundred and nine, the following sums, including therein the sum of four hundred thousand dollars, already appropriated by an act, intituled "An act authorizing the employment of an additional naval force," the following sums be, and the same are hereby respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, one million three hundred and twenty-three thousand and seventy-seven dollars.

For provisions, five hundred and sixty-seven thousand seven hundred and sixty-five dollars.

For medicines, instruments and hospital stores, thirty-five thousand dollars.

For repairs of vessels, four hundred and forty-five thousand dollars.

For freight, store rent, commissions to agents, and other contingent expenses, one hundred and fifty thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, one hundred and thirty-five thousand six hundred and forty-seven dollars and seventy cents.

For clothing for the same, thirty-two thousand nine hundred and thirty-three dollars and eighty cents.

For military stores for the same, one thousand three hundred and fifty-four dollars.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses of the marine corps, fourteen thousand one hundred and twenty-five dollars.

For the expense of navy-yards, comprising dock and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance and small arms, one hundred and fifty thousand dollars.

SEC. 3. And be it further enacted, That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, March 3, 1809.