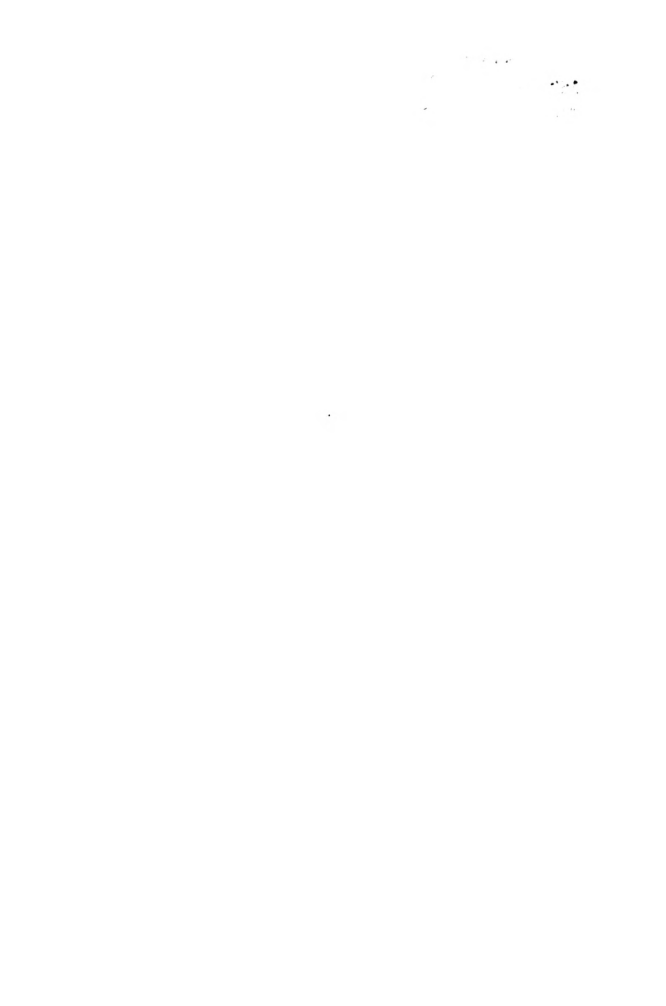


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THE
L A W S
OF THE
UNITED STATES
OF
AMERICA.

VOL. V.

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1803.

Robt S. Harma

A C T S

PASSED AT THE

FIRST SESSION

OF THE

SIXTH CONGRESS

OF THE

United States.

SIXTH CONGRESS

OF THE

UNITED STATES,

At the first session, begun and held at the city of Philadelphia, in the state of Pennsylvania, on Monday the second of December, 1799.

CHAPTER I.

An ACT for reviving and continuing suits and proceedings in the Circuit Court for the district of Pennsylvania.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all suits, process and proceedings, of what nature or kind soever, which were pending in the Circuit Court of the United States, for the district of Pennsylvania, at the time appointed by law, for holding a session thereof in October, one thousand seven hundred and ninety-nine, and which were discontinued by failure to hold the said court, shall be, and they are hereby revived and continued, and the same proceedings may and shall be had in the same court, in all suits and process aforesaid, and in all things relating to the same, as by law might have been had in the same court, had it been regularly holden, at the time aforesaid.

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

Sec. 2. *And be it further enacted,* That all writs, and other process, which may have been, and which shall be issued, by the clerk of the said court, bearing teste of April session or October session, one thousand seven

Teste of writs.

hundred and ninety-nine, shall be held and deemed of the same validity and effect, as if the same court had been regularly held on the eleventh day of October, one thousand seven hundred and ninety-nine.

Jurors may
be sum-
moned for
next April
term.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

SAMUEL LIVERMORE,

President of the Senate, pro tempore.

APPROVED—December 24th, 1799.

JOHN ADAMS,

President of the United States.

CHAPTER II.

An ACT extending the privilege of franking to William Henry Harrison, the delegate from the territory of the United States north-west of the Ohio; and making provision for his compensation.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That William Henry Harrison, the delegate to Congress from

the territory of the United States north-west of the river Ohio, be entitled to the privilege of sending and receiving letters free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act, intituled "An act to establish the post-office and post-roads within the United States."

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 2d, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER III.

An ACT, supplementary to the act, intituled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States."

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the commissioners appointed under the act to which this is a supplement, shall have power, on consideration and examination of the lists, returns, valuations, and abstracts rendered by Commissioners may vary the valuations in subdivisions of assessment districts.

the assessors, to revise, adjust, and vary the valuations of lands and dwelling houses in each and every sub-division of the several assessment districts, by adding thereto, or deducting therefrom, such a rate per centum as shall appear to be just and reasonable: *Provided*, That the relative valuations of the different lots or tracts of land, or dwelling houses in the same sub-division, shall not be changed or affected.

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 2d, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER IV.

ACT for the relief of persons imprisoned for debt.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That persons imprisoned on process issuing from any court

of the United States, as well at the suit of the United States as at the suit of any person or persons in civil actions, shall be entitled to like privileges of the yards or limits of the respective goals, as persons confined in like cases on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions.

Prisoners entitled to the limits of goals.

Sec. 2. *And be it further enacted*, That any person imprisoned on process of execution issuing from any court of the United States in civil actions, except at the suit of the United States, may have the oath or affirmation hereinafter expressed, administered to him by the Judge of the District Court of the United States, within whose jurisdiction the debtor may be confined; and in case there shall be no District Judge residing within twenty miles of the goal wherein such debtor may be confined, such oath or affirmation may be administered by any two persons who may be commissioned for that purpose by the District Judge: The creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice by a citation served on him, issued by the District Judge, to appear at the time and place therein mentioned, if he see fit, to shew cause why the said oath or affirmation should not be so administered: At which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shewn, or doth from examination appear to the contrary, he or they may at the request of the debtor, proceed to administer to him the fol-

Prisoners in execution may have an oath of insolvency administered to them,

lowing oath or affirmation, as the case may be, viz. “ You solemnly (swear or affirm) that you have no estate, real or personal in possession, reversion, or remainder, to the amount or value of thirty dollars, other than necessary wearing apparel; and that you have not, directly or indirectly, given, sold, leased, or otherwise conveyed to, or intrusted any person or persons with all or any part of the estate, real or personal, whereof you have been the lawful owner or possessor, with any intent to secure the same, or to receive or expect any profit or advantage therefrom, or to defraud your creditors, or have caused or suffered to be done any thing else whatsoever, whereby any of your creditors may be defrauded.” Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison-keeper, and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor. And the judge or commissioners, in addition to the certificate by them made and delivered to the prison-keeper, shall make return of their doings to the District Court, with the commission, in cases where a commission hath been issued, to be kept upon the files and record of the same court. And the said judge, or commissioners, may send for books and papers, and have the same authority as a court of record, to compel the appearance of witnesses, and administer to them, as well as to

whereupon they shall be discharged.

Proceedings to be filed in the district court.

Powers of the judge and commissioners.

the debtor, the oaths or affirmations necessary for the enquiry into, and discovery of the true state of the debtor's property, transactions and affairs.

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

Debtor may be removed to facilitate proceedings.

Sec. 4. *And be it further enacted*, That if any person shall falsely take any oath or affirmation, authorised by this act, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And in case any false oath or affirmation be so taken by the debtor, the court, upon the motion of the creditor, shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

Penalty on taking a false oath or affirmation.

Sec. 5. *And be it further enacted*, That any person imprisoned upon process issuing from any court of the United States, except at the suit of the United States, in any civil action, against whom judgment has been, or shall

30 days after judgment, debtor may take the benefit of

this act,
altho' no
execution
is sued out.

be recovered, shall be entitled to the privileges and relief provided by this act, after the expiration of thirty days from the time such judgment has been or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 6th, 1800.

JOHN ADAMS,
President of the United States.

CHAPTER V.

*An ACT for the preservation of peace with the
Indian tribes.*

Penalty on
certain
correspon-
dence with
the Indians

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

Penalty on
the bearers
of such
correspon-
dence.

Sec. 2. *And be it further enacted,* That if any citizen or other person shall carry or deliver any such talk, speech, message or letter, to or from any Indian nation, tribe, or chief, from or to any person or persons whatsoever, residing within the United States; or from or

to any subject, citizen, or agent of any foreign power or state, knowing the contents thereof, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

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

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

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

Certain provisions of a former act applied to this.

Limitation. Sec. 5. *And be it further enacted*, That this act shall continue and be in force until the third day of March, in the year one thousand eight hundred and two, and no longer.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 17th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER VI.

An ACT to repeal part of an act, intituled “ An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned, and to continue in force the residue of the same.”

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 11, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER VII.

An ACT for the relief of John Vaughan.

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 authorized and directed, to settle the account of John Vaughan, and to allow him the amount of the difference in his favor, which would result from calculating the silver bullion by him deposited, previous to the month of December, in the year one thousand seven hundred and ninety-five, in the Mint of the United States, for coinage, at the rate of one thousand four hundred and eighty-five parts fine, to one hundred and seventy-nine parts alloy, instead of the rate of nine parts fine, to one part alloy, and that the same be paid out of any monies in the Treasury not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

Vice-President of the United States, and

President of the Senate.

APPROVED—February 11, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER VIII.

An ACT giving further time to the holders of Military Warrants, to register and locate the same.

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 11, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER IX.

An ACT to suspend in part, an act, intituled " An act to augment the army of the United States; and for other purposes."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all further enlistments under the second section of an act, intituled " An act to augment the army of the United States, and for other purposes" shall be suspended until the further order of Congress,

unless in the recess of Congress, and during the continuance of the existing differences between the United States and the French Republic, war shall break out between the United States and the French Republic, or imminent danger of invasion of their territory by the said Republic, shall, in the opinion of the President of the United States, be discovered to exist.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 20th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER X.

An ACT further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all commercial intercourse between any person or persons resident within the United States or under their protection, and any person or persons resident within the territories of the French Republic, or any of the dependencies thereof, shall be, and from and after the second day of March next, is hereby prohibited and farther suspended, excepting only in the cases hereinafter provided. And any ship or vessel, owned, hired or employed wholly or in part by any person or persons resident within the United States, or any citizen or citizens thereof resident elsewhere

Intercourse
suspended.

and sailing therefrom after that day, which, contrary to the intent hereof, shall be voluntarily carried, or shall be destined or permitted to proceed, or shall be sold, bartered, entrusted, or transferred, for the purpose that she may proceed, whether directly or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; or shall be engaged in any traffic or commerce, by or for any person resident within the territories of that Republic, or within any of the dependencies thereof; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

On clearing other than certain foreign vessels for a foreign voyage, security to be given.

Sec. 2. *And be it further enacted*, That excepting for foreign ships or vessels owned, hired, and employed by persons permanently residing in Europe, and commanded and wholly navigated by foreigners, no clearance for a foreign voyage shall be granted to any ship or vessel whatever, until the owner or the employer for the voyage, or if not resident within the district where the clearance shall be required, his factor or agent, with the master and one or more sufficient surety or sureties, to the satisfaction of the Collector of the district, shall give bond to the United States, such owner, employer, or factor, with the master, in a sum equal to the value of the vessel, and of one-third of her cargo; and such surety or sureties in a like sum, when it shall not exceed ten thousand dollars; and if it shall exceed, then in that sum, with condition that the ship or vessel for which a

clearance shall be required, is actually destined, and shall proceed to some port or place without the limits or jurisdiction of the French Republic, or any of the dependencies thereof, and during the intended voyage shall not be voluntarily carried, or permitted to proceed or sold, entrusted or transferred, with the purpose that she may proceed whether directly, or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; and shall not, at any such port or place, voluntarily deliver or unlade any part of such cargo; and if compelled by distress of weather, or taken by force into any such port or place, will not there receive on board of such ship or vessel, any goods, produce, or merchandize, other than necessary sea-stores; and generally, that such ship or vessel shall not be employed in any traffic or commerce, with or for any person resident within the territory of the French Republic, or any of the dependencies thereof.

Sec. 3. *Provided, and be it further enacted,* That when any ship or vessel which shall obtain a clearance for a foreign voyage, after a bond shall be given as aforesaid, shall be compelled by distress of weather, or other casualty endangering the safety of such ship or vessel, or of the mariners on board the same, or shall be taken by any armed vessel, or other superior force, into any port or place within the territories of the French Republic, or any of the dependencies thereof, and shall there necessarily unlade and deliver, or shall be deprived of any cargo then on board, then, and in such case, the master or other person having charge of such ship or vessel, may receive compensation or payment in bills of exchange, or in money or bullion,

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

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

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

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

Exceptions

which coming therefrom shall be destined to the United States, and shall arrive within the same, not having otherwise contravened this act, shall be required and permitted to depart therefrom, and in case she shall accordingly depart, without any unreasonable delay, and without delivery, or attempting to deliver, any cargo or lading within the United States such ship or vessel, or any cargo, which may be on board the same, shall not be liable to the forfeiture aforesaid.

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

Treatment
of vessels
coming
from a
French
port or
with a car-
go therein
obtained,
and putting
in through
strefs of
weather,
&c.

vessel shall be fit for sea; or having departed shall return to the United States, not being compelled thereto by further distress or necessity, in each and every such case, such ship, or vessel and her cargo shall be forfeited and may be seized, and condemned in any court of the United States having competent jurisdiction.

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

Sec. 6. *And be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, by his order to remit and discontinue for the time being, whenever he shall deem it expedient, and for the interest of the United States, all or any of the restraints and prohibitions imposed by this act, in respect to the territories of the French Republic, or to any island, port, or place belonging to the said Republic, with which in his opinion a commercial intercourse may be safely renewed; and also it shall be lawful for the President of the United States, whenever he shall afterwards deem it expedient, to revoke such order, and hereby to re-establish such restraints and prohibitions: And the President of the United States shall be, and he is hereby authorized, to make proclamation thereof accordingly.

How Hispaniola shall be considered under this act.

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

Sec. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the public armed vessels of the United States, to stop and examine any

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

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

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

Penalties may be mitigated, &c.

Distribution of penalties.

Sec. 10. *And be it further enacted*, That nothing contained in this act shall extend to any

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

ship or vessel to which the President of the United States shall grant a permission to enter and clear; provided such ship or vessel shall be solely employed, pursuant to such permission, for purposes of national intercourse; and shall not be permitted to proceed with, or to bring to the United States any cargo or lading whatever other than necessary sea-stores.

Former act continued in part.

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

Limitation of this act.

Sec. 12. *And be it further enacted*, That this act shall be and remain in force until the third day of March, one thousand eight hundred and one: *Provided, however*, the expiration thereof shall not prevent or defeat any seizure, or prosecution for a forfeiture incurred under this act, and during the continuance thereof.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 27th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XI.

An ACT for the relief of James Yard.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the term of six months, from and after the passing of this act, shall be, and is hereby allowed, as a further time for the exportation, with the benefit of drawback, of one hundred and six pipes, eight hogheads and five quarter casks of Madeira wine, which were duly shipped, and with the benefit of drawback, in the months of March and April, of the year one thousand seven hundred and ninety-eight, by James Yard, on board the ship Ganges, then bound to India, but afterwards re-landed in consequence of the purchase of that ship by the United States, and any drawback which shall accrue on any parcel of the said wine, which being first duly identified, shall be exported within the term aforesaid, shall be payable in fifteen days after such exportation, and a debenture or debentures may issue for such drawback upon the like security, conditions and proofs, as are required in other cases, and to be paid in a similar manner.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 27, 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XII.

An ACT providing for the second census or enumeration of the inhabitants of the United States.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the marshals of the several districts of the United States, and the secretaries of the territory of the United States, north-west of the river Ohio, and of the Mississippi territory, respectively, shall be, and they are hereby authorized and required, under the direction of the Secretary of State, and according to such instructions as he shall give pursuant to this act, to cause the number of the inhabitants within their respective districts and territories to be taken; omitting in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years from all others; distinguishing also the sexes and colours of free persons, and the free males under ten years of age; those of ten years and under sixteen, those of sixteen and under twenty-six, those of twenty-six and under forty-five, those of forty-five and upwards. And distinguishing free females under ten years of age, those of ten years and under sixteen, those of sixteen and under twenty-six, those of twenty-six and under forty-five, those of forty-five and upwards; for effecting which purpose, the marshals and secretaries aforesaid, shall have power to appoint as many assistants within their respective districts and territories, as aforesaid, as to them shall appear necessary; assigning to each assistant a certain division of his district or territory, which division shall

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

They may appoint assistants.

consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads: The marshals, or secretaries, as the case may be, and their assistants, shall, respectively, take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts or territories, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal or secretary shall be,—

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

“ I, A. B. marshal of the district of _____ (or secretary of the territory of _____ as the case may be) do solemnly swear or affirm, that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district or territory, and return the same to the Secretary of State, agreeably to the directions of an act of Congress, intituled ‘ an act providing for the enumeration of the inhabitants of the United States,’ according to the best of my ability.” The oath or affirmation of an assistant shall be “ I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of _____ (or the secretary of the territory of _____ as the case may be) and make due return thereof to the said marshal, or secretary, agreeably to the directions of an act of Congress, intituled ‘ an act providing for the enumeration of the inhabitants of the United States,’ according to the best of my abilities.”

Com-
mencement
and close
of the enu-
meration.

August next, and shall close within nine calen-

Assistants
to make
returns.

dar months thereafter. The several assistants shall, within the said nine months transmit to the marshal or secretaries, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule, distinguishing in each county, parish, township, town or city, the several families, by the names of their master, mistress, steward, overseer or other principal person therein, in the manner following, that is to say: The number of persons within my division, consisting of appears in a schedule hereto annexed, subscribed by me this day of A. B. assistant to the marshal of or to the secretary of

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

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

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

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

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

Sec. 3. *And be it further enacted,* That the marshal and secretaries shall file the several returns aforesaid, with the clerks of their respective district or superior courts (as the case may be) who are hereby directed to receive and carefully preserve the same: And the marshals, or secretaries, respectively, shall on or before the first day of September, one thousand eight hundred and one, transmit to the Secretary of State, the aggregate amount of each description of persons within their respective districts or territories. And every marshal or secretary failing to file the returns of his assistants, or any of them, with the clerks of their respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or territories where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual dis-

covery of offences, the judges of the several district courts in the several districts, and of the supreme courts, in the territories of the United States, as aforesaid, at their next sessions, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the Secretary of State, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

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

Sec. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar, for every hundred persons by him returned, where such persons reside in the country, and where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons, but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred persons shall be insufficient, the marshals or secretaries, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions, as shall be deemed an adequate compensation: *Provided*, the same does not exceed one dollar for every fifty persons by them returned. The several marshals and secretaries shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New-Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode-Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal

Compensation to assistants.

Compensation to the marshals.

of the district of Vermont, two hundred dollars; the marshal of the district of New-York, three hundred dollars; the marshal of the district of New-Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North-Carolina, three hundred and fifty dollars; the marshal of the district of South-Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars; the marshal of the district of Tennessee, two hundred dollars; the secretary of the territory of the United States north-west of the Ohio, two hundred dollars; the secretary of the Mississippi territory, one hundred dollars.

How transient persons and absentees are to be returned.

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

Sec. 6. *And be it further enacted,* That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district or territory made or established within the United States, shall be and hereby is obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use and the other half to the use of the United States.

Free persons above 16 years old to give information to the assistants.

Sec. 7. *And be it further enacted,* That each assistant shall, previous to making his returns to the marshal or secretary (as the case may be) cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned, for each of which copies the said assistant shall be entitled to receive two dollars; provided, proof of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal or secretary (as the case may be) with the return of the number of the persons, and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

Assistants to post up their schedules of the number of inhabitants &c.

Sec. 8. *And be it further enacted,* That the Secretary of State shall be and hereby is authorized and required to transmit to the marshals of the several states and to the secreta-

Secretary of State to give instructions for carry-

ing this act
into effect,
&c.

ries aforeſaid, regulations and inſtructions purſuant to this act, for carrying the ſame into effect, and alſo the forms contained therein of ſchedule to be returned, and proper interrogatories to be adminiſtered by the ſeveral perſons who ſhall be employed therein.

THEODORE SEDGWICK,

Speaker of the Houſe of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 28, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XIII.

An ACT in addition to an act intituled “ An act regulating the grants of land appropriated for military ſervices, and for the Society of the United Brethren for propogating the Goſpel among the Heathen.”

Sec. 1. **B**E it enacted by the Senate and Houſe of Representatives of the United States of America, in Congreſs aſſembled, That the reſpective points of interſection of the lines actually run, as the boundaries of the ſeveral townſhips ſurveyed by virtue of the act intituled “ an act regulating the grants of land appropriated for military ſervices and for the ſociety of the United Brethren for propogating the goſpel among the Heathen,” accordingly as the ſaid lines have been marked and aſcertained at the time when the ſame were run, notwithstanding the ſame are not in conformity to the act aforeſaid, or ſhall not appear to correſpond with the plat of the ſurvey

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

which has been returned by the Surveyor General, shall be considered, and they are hereby declared to be the corners of the said townships;—That in regard to every such township as by the plat and survey returned by the Surveyor General is stated to contain four thousand acres in each quarter thereof, the points on each of the boundary lines of such township, which are at an equal distance from those two corners of the same township, which stand on the same boundary line, shall be considered and they are hereby declared to be corners of the respective quarters of such township; that the other boundary lines of the said quarter townships shall be straight lines run from each of the last mentioned corners of quarter townships to the corner of quarter townships on the opposite boundary line of the same township; and that in regard to every such township as by the said return is stated to contain in any of the quarters thereof more or less than the quantity of four thousand acres, the corners marked in the boundary lines of such township to designate the quarters thereof, shall be considered and they are hereby declared to be the corners of the quarter townships thereof, although the same may be found at unequal distances from the respective corners of such townships: And such townships shall be divided by running lines through the same from the corners of the quarter townships actually marked, whether the interior lines thus extended shall be parallel to the exterior lines of the said township or not; and that each of the said quarter townships thus bounded, shall in every proceeding to be had under the abovementioned or this act, be considered as containing the

Boundaries of quarter townships, where they are stated to contain 4000 acres.

Boundaries of quarter townships, where they are stated to contain more or less than 4000 acres.

exact quantity expressed in the plat and survey thereof returned by the Surveyor General.

Locations may be made on the general tract.

Sec. 2. *And be it further enacted*, That it shall be lawful for the proprietors or holders of warrants for military services, which have been, or shall be registered at the Treasury in pursuance of the act intituled "an act regulating the grants of land appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the Heathen," during the time, in the manner, and according to the rights of priority, which may be acquired in pursuance of said act, to locate the quantities of land mentioned in the warrants by them respectively registered, as aforesaid, on any quarter township, or fractional part of a quarter township, in the general tract mentioned and described in said act: *Provided always*, that the fractional quarter townships upon the river Sciota, and those upon the river Muskingum adjoining the grant made to Ebenezer Zane, or the towns Salem, Gnadenhutzen or Shenbrun, or the Indian boundary line, shall in every case be accepted and taken in full satisfaction for four thousand acres.

Certain fractional quarter townships to be taken for 4000 acres.

When locations are made on quarter townships stated to contain less than 4000 acres, the S. of Treasury shall cause certificates to be issued for the deficiency.

Sec. 3. *And be it further enacted*, That whenever locations shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the Surveyor General, is stated to contain less than the quantity of four thousand acres, except in the case of fractions provided for in the preceding section, it shall be lawful for the Secretary of the Treasury to issue, or cause to be issued, certificates, expressing the number of acres remaining unsatisfied of any registry of warrants for the quantity of four thousand

acres, made in pursuance of the act before recited, which certificates shall have the same validity and effect, and be liable to be barred in like manner as warrants granted for military services, but no certificate shall be granted, nor any claim allowed for less than fifty acres, nor for the navigable water contained within the limits of any quarter township or fractional quarter township.

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

What is to be done when they are made on quarter townships stated to contain more than 4000 acres.

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

Reservations for satisfying warrants granted to individuals for their services.

warrants granted to individuals for their military services, in the manner hereafter provided.

Reservations to be divided into lots of 100 acres.

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

Holder of such warrants may make locations on those lots, and receive patents to their own use only.

Sec. 7. *And be it further enacted*, That from and after the sixteenth day of March next, it shall be lawful for the holder of any warrant granted for military services, to locate at any time before the first day of January, one thousand eight hundred and two, the number of hundred acres expressed in such warrant, on any lot or lots from time to time remaining unlocated within the tracts reserved as aforesaid, and upon surrendering such warrant to the Treasury, the holder thereof shall be entitled to receive a patent in the manner, and upon the conditions heretofore prescribed by law; which patent shall in every case express the range, township, quarter township or fraction, and number of the lot located as aforesaid: But no location shall

be allowed, nor shall any patent be issued for any lot or lots of one hundred acres, except in the name of the person originally entitled to such warrant, or the heir or heirs of the person so entitled; nor shall any land, so located and patented, to a person originally entitled to such warrant, be considered as in trust for any purchaser, or be subject to any contract made before the date of such patent, and the title to lands acquired, in consequence of patents issued as aforesaid, shall and may be alienated in pursuance of the laws, which have been, or shall be passed in the territory of the United States, north-west of the river Ohio, for regulating the transfer of real property, and not otherwise.

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

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

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

Public notice to be given of the reservations.

Sec. 10. *And be it further enacted*, That the actual plat and survey, returned by the Surveyor General of quarter townships, and fractional parts of quarter townships, contained in the tract mentioned and described in the act to which this is a supplement, shall be considered as final and conclusive, so far as relates to the quantity of land, supposed to

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

be contained in the quarter townships, and fractions, so that no claim shall hereafter be set up against the United States, by any proprietor, or holder of warrants for military services, on account of any deficiency in the quantity of land contained in the quarter township or fractional part of a quarter township, which shall have been located by such proprietor or holder, nor shall any claim be hereafter set up by the United States, against such proprietor or holder, on account of any excess in the quantity of land contained therein.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

THEODORE SEDGWICK,

Speaker of the House of Representatives.

APPROVED—March 1, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XIV.

An ACT providing for salvage in cases of recapture.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That when any vessel other than a vessel of war or privateer, or when any goods which shall hereafter be taken as prize by any vessel, acting under authority from the government of the United States, shall appear to have before belonged to any person or persons, resident within or under the protection of the United States, and to have been taken by an enemy of the United States, or under authority, or pretence of authority, from any prince, government or

Salvage on recaptured property claimed by residents of the United States.

state, against which the United States have authorized, or shall authorize defence or reprisals, such vessel or goods not having been condemned as prize by competent authority before the re-capture thereof, the same shall be restored to the former owner or owners thereof, he or they paying for and in lieu of salvage, if re-taken by a public vessel of the United States, one eighth part, and if re-taken by a private vessel of the United States, one sixth part, of the true value of the vessel or goods so to be restored, allowing and excepting all imposts and public duties to which the same may be liable. And if the vessel so re-taken shall appear to have been set forth and armed as a vessel of war, before such capture or afterwards, and before the re-taking thereof as aforesaid, the former owner or owners, on the restoration thereof, shall be adjudged to pay for and in lieu of salvage, one moiety of the true value of such vessel of war, or privateer.

Sec. 2. *And be it further enacted*, That when any vessel or goods, which shall hereafter be taken as prize, by any vessel acting under authority from the government of the United States, shall appear to have before belonged to the United States and to have been taken by an enemy of the United States, or under authority, or pretence of authority from any prince, government or state, against which the United States have authorized, or shall authorize defence or reprisals, such public vessel not having been condemned as prize by competent authority before the re-capture thereof, the same shall be restored to the United States. And for and in lieu of salvage, there shall be paid from the Treasury of the

Compen-
sation for re-
captured
property
claimed by
the United
States.

United States, pursuant to the final decree which shall be made in such case by any court of the United States, having competent jurisdiction thereof, to the parties who shall be thereby entitled to receive the same, for the re-capture as aforesaid, of an unarmed vessel, or any goods therein, one sixth part of the true value thereof, when made by a private vessel of the United States, and one twelfth part of such value when the re-capture shall be made by a public armed vessel of the United States; and for the re-capture as aforesaid of a public armed vessel, or any goods therein, one moiety of the true value thereof, when made by a private vessel of the United States, and one fourth part of such value, when such re-capture shall be made by a public armed vessel of the United States.

Salvage on recaptured property claimed by alien friends.

Sec. 3. *And be it further enacted,* That when any vessel or goods which shall be taken as prize, as aforesaid, shall appear to have before belonged to any person or persons permanently resident within the territory, and under the protection of any foreign prince, government or state, in amity with the United States, and to have been taken by an enemy of the United States, or by authority or pretence of authority from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, then such vessel or goods shall be adjudged to be restored to the former owner, or owners thereof, he or they paying for and in lieu of salvage, such proportion of the true value of the vessel or goods so to be restored, as by the law or usage of such prince, government or state, within whose territory such former owner or

*of an armed
Gov^l vessel -
1/6 by private Ship
1/12 by Public arm^d Ship
of an Armed
Ship of Gov^l
1/2 by Private
Ship of War
1/4 by a Public Arm^d
Ship*

owners shall be so resident, shall be required, on the restoration of any vessel or goods of a citizen of the United States, under like circumstances of re-capture, made by the authority of such foreign prince, government or state; and where no such law or usage shall be known, the same salvage shall be allowed as is provided by the first section of this act:

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

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

Distribu-
tion of sal-
vage.

such agreement, then to and among such persons, and in such proportions, as the court having jurisdiction thereof shall appoint.

Repeal of
former
laws.

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

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

THEODORE SEDGWICK,

Speaker of the House of Representatives.

APPROVED—March 3, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XV.

An ACT declaring the assent of Congress to certain acts of the states of Maryland and Georgia.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the consent of Congress be, and hereby is granted to the operation of an act of the General Assembly of the state of Maryland, passed on the twenty-sixth day of December, one thousand seven hundred and ninety-one, entitled “An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned,” and also to so much of an act of the state of Georgia, passed February the tenth, one thousand seven hundred and eighty-seven, entitled, “An act for regulating the trade, laying duties on all goods, wares, liquors, merchandise and negroes imported into

this state ; and also an impost on the tonnage of shipping, and for other purposes therein mentioned," as authorizes a duty of three pence per ton on all shipping entering the port of Savannah, to be set apart as a fund for clearing the river Savannah.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—March 17, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XVI.

An ACT to alter the times of holding the District Court in North-Carolina.

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

Sec. 2. *And be it further enacted*, That all process which shall have been issued, and all recognizances returnable, and all suits and other proceeding, which have been continued to the said district court on the first Monday in April next, shall be returned and held

continued to the said court on the first Monday of May next.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—March 19, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XVII.

An ACT for the relief of Campbell Smith.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper accounting officers of the Treasury liquidate and settle the account of Campbell Smith, for his services as Judge Advocate to the legion of the United States, while he acted in that capacity, under an appointment made by General Wayne, on the sixteenth of July, one thousand seven hundred and ninety-four; and that he be allowed such pay and emoluments for said services, in addition to his pay in the line, as are allowed by law to officers acting in that capacity.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—March 29th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XVIII.

An ACT to extend the privilege of franking letters and packages to Martha Washington.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 3d, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XIX.

An ACT to establish an uniform System of Bankruptcy throughout the United States.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of June next, if any merchant, or other person, residing within the United States, actually using the trade of merchandize, by buying and selling in gross, or by retail, or dealing in exchange, or as a banker, broker, factor, underwriter, or marine insurer, shall, with intent unlawfully to delay or defraud his or her creditors, depart from the state in which such person usually resides, or remain absent therefrom, or

Who may
be a bank-
rupt.

What shall
be an act of
bankrupt-
cy.

What shall
be an act
of bank-
ruptcy.

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

within six months after the act of bankruptcy committed.

Sec. 2. *And be it further enacted*, That the judge of the district court of the United States, for the district where the debtor resides, or usually resided at the time of committing the act of bankruptcy, upon petition, in writing, against such person or persons being bankrupt, to him to be exhibited by any one creditor, or by a greater number, being partners, whose single debt shall amount to one thousand dollars, or by two creditors, whose debts shall amount to one thousand five hundred dollars, or by more than two creditors, whose debts shall amount to two thousand dollars, shall have power, by commission under his hand and seal, to appoint such good and substantial persons, being citizens of the United States, and resident in such district, as such judge shall deem proper, not exceeding three, to be commissioners of the said bankrupt, and in case of vacancy or refusal to act, to appoint others from time to time as occasion may require: *Provided always*, that before any commission shall issue, the creditor or creditors petitioning shall make affidavit or solemn affirmation before the said judge, of the truth of his, her, or their debts, and give bond, to be taken by the said judge, in the name, and for the benefit of the said party so charged as a bankrupt, and in such penalty, and with such surety as he shall require, to be conditioned for the proving of his, her or their debts, as well before the commissioners as upon a trial at law, in case the due issuing forth of the said commission shall be contested, and also for proving the party a bankrupt, and to proceed on such commission, in the

Proceedings to obtain a commission of bankruptcy.

manner herein prescribed. And if such debt shall not be really due, or after such commission taken out it cannot be proved that the party was a bankrupt, then the said judge shall, upon the petition of the party aggrieved, in case there be occasion, deliver such bond to the said party, who may sue thereon, and recover such damages, under the penalty of the same, as, upon trial at law, he shall make appear he has sustained, by reason of any breach of the condition thereof.

Commis-
sioners to
take an
oath, and
the mode
of declar-
ing the
party a
bankrupt.

Sec. 3. *And be it further enacted*, That before the commissioners shall be capable of acting, they shall respectively take and subscribe the following oath or affirmation, which shall be administered by the judge issuing the commission, or by any of the judges of the supreme court of the United States, or any judge, justice, or chancellor of any state court, and filed in the office of the clerk of the district court: “ I, A. B. do swear, or affirm, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me, as a commissioner in a commission of bankruptcy against

and that without favor or affection, prejudice or malice.” And the commissioners, who shall be sworn as aforesaid, shall proceed, as soon as may be, to execute the same; and upon due examination, and sufficient cause appearing against the party charged, shall and may declare him or her to be a bankrupt: *Provided*, That before such examination be had, reasonable notice thereof, in writing, shall be delivered to the person charged as a bankrupt; or if he, or she be not found at his or her usual place of abode, to some

person of the family above the age of twelve years, or if no such person appear, shall be fixed at the front or other public door of the house, in which he or she usually resides, and thereupon it shall be in the power of such person, so charged as aforesaid, to demand before, or at the time appointed for such examination, that a jury be impanelled to enquire into the fact or facts, alledged as the causes for issuing the commission, and on such demand being made, the enquiry shall be had before the judge granting the commission, at such time as he may direct, and in that case, such person shall not be declared bankrupt, unless, by the verdict of the jury, he or she shall be found to be within the description of this act, and shall be convicted of some one of the acts described in the first section of this act: *Provided also*, that any commission which shall be taken out as aforesaid, and which shall not be proceeded in as aforesaid, within thirty days thereafter, may be superceded by the said judge, who shall have granted the same, upon the application of the party thereby charged as a bankrupt, or of any creditor of such person, unless the delay shall have been unavoidable, or upon a just occasion.

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

Commissioners may cause the bankrupt to be arrested.

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

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

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

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

Sec. 6. *And be it further enacted,* That the said commissioners shall forthwith, after they have declared such person a bankrupt, cause due and sufficient public notice thereof to be given, and in such notice shall appoint some convenient time and place for the creditors to meet, in order to choose an assignee or assignees of the said bankrupt's estate and effects;—at which meeting the said commissioners shall admit the creditors of such bankrupt, to prove their debts;—and where any creditor shall reside at a distance from the place of such meeting, shall allow the debt of such creditor to be proved by oath or af-

firmation, made before some competent authority, and duly certified, and shall permit any person duly authorized by letter of attorney from such creditor, due proof of the execution of such letter of attorney being first made, to vote in the choice of an assignee or assignees of such bankrupt's estate and effects, in the place and stead of such creditor : And the said commissioners shall assign, transfer or deliver over, all and singular the said bankrupt's estate and effects, aforesaid, with all muniments and evidences thereof, to such person or persons as the major part, in value, of such creditors, according to the several debts then proved, shall chuse as aforesaid : *Provided always*, that in such choice, no vote shall be given by, or in behalf of any creditor whose debt shall not amount to two hundred dollars.

Sec. 7. *Provided always, and be it further enacted*, That it shall be lawful for the said commissioners, as often as they shall see cause, for the better preserving and securing the bankrupt's estate, before assignees shall be chosen as aforesaid, immediately to appoint one or more assignee or assignees of the estate and effects aforesaid, or any part thereof ; which assignee or assignees aforesaid, or any of them, may be removed at the meeting of the creditors, so to be appointed as aforesaid, for the choice of assignees, if such creditors, entitled to vote as aforesaid, or the major part, in value, of them, shall think fit ; and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come to his or their hands or possession, unto such other assignee or assignees as shall be chosen by the creditors

as aforesaid ; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them, by the said commissioners ; and if such first assignee or assignees shall refuse or neglect, for the space of ten days next after notice, in writing, from such new assignee or assignees, of their appointment, as aforesaid, to deliver over as aforesaid, all the estate and effects as aforesaid, every such assignee or assignees, shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

Creditors
may re-
move the
assignees
and chuse
others.

Sec. 8. *And be it further enacted,* That at any time, previous to the closing of the accounts of the said assignee or assignees, so chosen as aforesaid, it shall be lawful for such creditors of the bankrupt, as are hereby authorized to vote in the choice of assignees, or the major part of them, in value, at a regular meeting of the said creditors, to be called for that purpose, by the said commissioners, or by one fourth, in value, of such creditors, to remove all or any of the assignees chosen as aforesaid, and to chuse one or more in his or their place and stead : and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come into his or their hands or possession, unto such new assignee or assignees as shall be chosen by the creditors, at such meeting ; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been

made to him or them, by the said commissioners: And if such former assignee or assignees shall refuse or neglect, for the space of ten days next after notice, in writing, from such new assignee or assignees, of their appointment, as aforesaid, to deliver over, as aforesaid, all the estate and effects aforesaid, every such former assignee or assignees, shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

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

Suits not abated by the removal of assignees.

Sec. 10. *And be it further enacted*, That the assignment or assignments of the commissioners of the bankrupt's estate and effects as aforesaid, made as aforesaid, shall be good at law or in equity, against the bankrupt; and all persons claiming by, from, or under such bankrupt, by any act done at the time, or after he shall have committed the act of bankruptcy, upon which the commission issued: *Provided always*, that in case of a *bona fide* pur-

General effect of the assignment by the commissioners.

chafe made before the iffuing of the commiffion from or under fuch bankrupt, for a valuable confideration, by any perfon having no knowledge, information or notice of any act of bankruptcy committed, fuch purchafe fhall not be invalidated or impeached.

It fhall bar
an eftate
tail.

Sec. 11. *And be it further enacted,* That the faid commiffioners fhall have power, by deed or deeds, under their hands and feals, to affign and convey to the affignee or affignees, to be appointed or chofen as aforefaid, any lands, tenements, or hereditaments, which fuch bankrupt fhall be feifed of, or entitled to, in fee tail, at law, or in equity, in poffeffion, remainder or reverfion, for the benefit of the creditors; and all fuch deeds, being duly executed and recorded according to the laws of the ftate within which fuch lands, tenements or hereditaments may be fuate, fhall be good and effectual againft all perfons whom the faid bankrupt, by common recovery, or other means, might or could bar of any eftate, right, title, or poffibility of or in the faid lands, tenements, or hereditaments.

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

Sec. 12. *And be it further enacted,* That if any bankrupt fhall have conveyed or affured any lands, goods or eftate, unto any perfon, upon condition or power of redemption, by payment of money or otherwife, it fhall be lawful for the commiffioners, or for any perfon by them duly authorized for that purpofe, by writing, under their hands and feals, to make tender of money or other performance according to the nature of fuch condition, as fully as the bankrupt might have done; and the commiffioners, after fuch performance or tender, fhall have power to affign fuch lands, goods and eftate, for the benefit of

the creditors, as fully and effectually as any other part of the estate of such bankrupt.

Sec. 13. *And be it further enacted,* That the commissioners aforesaid shall have power to assign, for the use aforesaid, all the debts due to such bankrupt, or to any other person for his or her use or benefit; which assignment shall vest the property and right thereof in the assignee or assignees of such bankrupt, as fully as if the bond, judgment, contract or claim, had originally belonged or been made to the said assignees; and after the said assignment, neither the said bankrupt, nor any person acting as trustee for him or her, shall have power to recover or discharge the same, nor shall the same be attached as the debt of the said bankrupt; but the assignee or assignees aforesaid shall have such remedy to recover the same, in his or their own name or names, as such bankrupt might or could have had, if no commission of bankruptcy had issued: And when any action in the name of such bankrupt shall have been commenced, and shall be pending for the recovery of any debt or effects of such bankrupt, which shall be assigned, or shall, or might become vested in the assignee or assignees of such bankrupt as aforesaid, then such assignee or assignees may claim to be, and shall be thereupon admitted to prosecute such action in his or their name, for the use and benefit of the creditors of such bankrupt; and the same judgment shall be rendered in such action, and all attachments or other security taken therein, shall be in like manner holden and liable, as if the said action had been originally commenced in the name of such assignee or assignees after the original plaintiff therein had become a bankrupt as aforesaid: *Pro-*

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

vided, that where a debtor shall have, *bona fide*, paid his debt to any bankrupt, without notice that such person was bankrupt, he or she shall not be liable to pay the same to the assignee or assignees.

Mode of
discovering
concealed
property
or debts.

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

Sec. 15. *And be it further enacted*, That if any of the aforesaid persons shall, after legal summons to appear before the commissioners or judge, to be examined, refuse to attend, or shall not attend at the time appointed, having no such impediment as shall be allowed of by the commissioners or judge, it shall be lawful for the said commissioners or judge, to direct their warrants to such person or persons as by them shall be thought proper, to apprehend such persons as shall refuse to appear, and to bring them before the commissioners or judge, to be examined, and upon their refusal to come, to commit them to prison, until they shall submit themselves to be examined, according to the directions of this act: *Provided*, that such witnesses as shall be so sent for, shall be allowed such compensation as the commissioners, or judge shall think fit, to be rateably borne by the creditors; and if any person, other than the bankrupt, either by subornation of others, or by his or her own act, shall wilfully or corruptly commit perjury on such examination, to be taken before the commissioners as aforesaid, the party so offending, and all persons who shall procure any person to commit such perjury, shall on conviction thereof be fined not exceeding four thousand dollars, and imprisoned not exceeding two years, and moreover shall, in either case, be rendered incapable of being a witness in any court of record.

Mode of compelling the attendance of witnesses :

Their compensation.

Punishment of perjury and subornation thereof.

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

Penalty on making a fraudulent claim.

Commissioners may assign property fraudulently conveyed away.

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

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

Sec. 18. *And be it further enacted,* That if any person or persons who shall become bankrupt within the intent and meaning of this act, and against whom a commission of bankruptcy shall be duly issued, upon which commission such person, or persons, shall be declared bankrupt, shall not within forty two days after notice thereof, in writing, to be left at the usual place of abode of such person or persons, or personal notice in case such person or persons be then in prison, and notice given in some gazette, that such commission hath been issued, and of the time and place of meeting of the commissioners, surrender him or herself to the said commissioners, and sign or subscribe such surrender, and submit to be examined from time to time, upon oath or solemn affirmation, by and before such commissioners, and in all things conform to the provisions of this act, and also upon such his or her examination, fully and truly disclose and discover all his or her effects and estate, real and personal, and how and in what manner, to whom and upon what consideration, and at what time or times he or she hath disposed of, assigned or transferred, any of his or her goods, wares, or merchandize, monies, or other effects and estate,

and of all books, papers and writings relating thereunto, of which he or she was possessed, or in or to which he or she was any ways interested or entitled, or which any person or persons shall then have, or shall have had in trust for him or her, or for his or her use, at any time before or after the issuing of the said commission, or whereby such bankrupt, or his or her family then hath, or may have or expect any profit, possibility of profit, benefit or advantage whatsoever, except only such part of his or her estate and effects as shall have been really and *bona fide* before sold and disposed of, in the way of his or her trade and dealings, and except such sums of money as shall have been laid out in the ordinary expences of his or her family, and also upon such examination, execute in due form of law, such conveyance, assurance, and assignment of his or her estate, whatsoever and wheresoever, as shall be devised and directed by the commissioners, to vest the same in the assignees, their heirs, executors, administrators, and assigns forever, in trust for the use of all and every the creditors of such bankrupt, who shall come in and prove their debts under the commission; and deliver up unto the commissioners, all such part of his or her the said bankrupt's goods, wares, merchandizes, money, effects and estate, and all books, papers, and writings relating thereunto, as at the time of such examination shall be in his or her possession, custody or power, his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding, of such bankrupt only excepted, then he or she the said bankrupt, upon the conviction of any wilful default, or omission in any of the matters or

things aforefaid, fhall be adjudged a fraudulent bankrupt, and fhall fuffer imprifonment for a term not lefs than twelve months, nor exceeding ten years, and fhall not, at any time after, be entitled to the benefits of this act:

Mode of examination when the bankrupt is in prifon.

Provided always, that in cafe any bankrupt fhall be in prifon or cuftody at the time of iffuing fuch commiffion, and is willing to furrender and fubmit to be examined, according to the direCTIONS of this act, and can be brought before the faid commiffioners and creditors for that purpofe, the expence thereof fhall be paid out of the faid bankrupt's effects, and in cafe fuch bankrupt is in execution, or cannot be brought before the commiffioners, that then the faid commiffioners, or fome one of them, fhall, from time to time, attend the faid bankrupt in prifon or cuftody, and take his or her difcovery as in other cafes, and the affignees, or one of them, or fome perfon appointed by them, fhall attend fuch bankrupt in prifon or cuftody, and produce his or her books, papers and writings, in order to enable him or her to prepare his or her difcovery; a copy whereof the faid affignees fhall apply for, and the faid bankrupt fhall deliver to them or their order, within a reasonable time after the fame fhall have been required.

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

The term may be enlarged.

Sec. 19. *And be it further enacted*, That the faid commiffioners fhall appoint, within the faid forty-two days, fo limited as aforefaid, for the bankrupt to furrender and conform as aforefaid, not lefs than three feveral meetings for the purpofes aforefaid, the third of which meetings fhall be on the laft of the faid forty-two days: *Provided always*, That the judge of the diftrict within which fuch commiffion iffues, fhall have power to enlarge the time fo

limited as aforefaid, for the purpofes aforefaid, as he fhall think fit, not exceeding fifty days, to be computed from the end of the faid forty-two days, fo as fuch order for enlarging the time be made at leaft fix days before the expiration of faid term.

Sec. 20. *And be it further enacted*, That it fhall be lawful for the commiffioners, or any other perfon or officers, by them to be appointed, by their warrant, under their hands and feals, to break open in the day time the houfes, chambers, fhops, ware-houfes, doors, trunks, or chefts, of the bankrupt, where any of his or her goods or eftate, deeds, books of account or writings, fhall be, and to take poffeffion of the goods, money, and other eftate, deeds, books of account or writings of fuch bankrupt.

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

Sec. 21. *And be it further enacted*, That if the bankrupt fhall refufe to be examined, or to anfwer fully, or to fubfcribe his or her examination as aforefaid, it fhall be lawful for the commiffioners to commit the offender to clofe imprifonment, until he or ſhe fhall conform him or herſelf; and if the faid bankrupt fhall fubmit to be examined, and upon his or her examination, it fhall appear that he or ſhe hath committed wilful or corrupt perjury, he or ſhe may be indicted therefor, and being thereof convicted, fhall fuffer imprifonment for a term not lefs than two years, nor exceeding ten years.

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

Punifhment of his perjury.

Sec. 22. *And be it further enacted*, That every bankrupt, having furrendered, fhall, at all reaſonable times before the expiration of the faid forty-two days, as aforefaid, or of fuch further time as fhall be allowed to finiſh his or her examination, be at liberty to inſpect his

To have accefs to his books and writings.

or her books and writings, in the presence of some person to be appointed by the commissioners, and to bring with him or her, for his or her assistance, such persons as he or she shall think fit, not exceeding two at one time, and to make extracts and copies, to enable him or her to make a full discovery of his or her effects; and the said bankrupt shall be free from arrests in coming to surrender, and after having surrendered to the said commissioners, for the said forty-two days, or such farther time as shall be allowed for the finishing his or her examination; and in case such bankrupt shall be arrested for debt, or taken on any escape warrant or execution, coming to surrender, or after his surrender within the time beforementioned, then on producing such summons or notice under the hand of the commissioners, and giving the officer a copy thereof, he or she shall be discharged; and in case any officer shall afterwards detain such bankrupt, such officer shall forfeit to such bankrupt for his or her own use, ten dollars for every day he shall detain the bankrupt.

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

Penalty on concealing a bankrupt.

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

Bankrupt's wife may be examined.

Sec. 24. *And be it further enacted*, That the said commissioners shall have power to examine, upon oath or affirmation, the wife of

any person lawfully declared a bankrupt, for the discovery of such part of his estate as may be concealed or disposed of by such wife, or by any other person; and the said wife shall incur such penalties for not appearing before the said commissioners, or refusing to be sworn or affirmed, or examined, and to subscribe her examination, or for not disclosing the truth, as by this act is provided against any other person in like cases.

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

Cause of commitment to be expressed in the commissioner's warrant.

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

Bounty for discovering bankrupt's estate.

Penalty on trustees concealing his property.

Sec. 27. *And be it further enacted,* That if any person shall become bankrupt, and at such time, by consent of the owner, have in his or her possession and disposition, any goods whereof he or she shall be reputed ow-

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

ner, and take upon him or herself, the sale, alteration, or disposition thereof, as owner, the commissioners shall have power to assign the same, for the benefit of the creditors, as fully as any other part of the estate of the bankrupt.

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

Sec. 28. *And be it further enacted*, That if any bankrupt, after the issuing any commission against him or her, pay to the person who sued out the same, or give or deliver to such person, goods or any other satisfaction or security for his or her debt, whereby such person shall privately have and receive a greater proportion of his or her debt than the other creditors, such preference shall be a new act of bankruptcy, and on good proof thereof, such commission shall and may be superceded, and it shall and may be lawful for either of the judges, having authority to grant the commission as aforesaid, to award any creditor petitioning another commission, and such person, so taking such undue satisfaction as aforesaid, shall forfeit and lose, as well his or her whole debts, as the whole he or she shall have taken and received, and shall pay back, or deliver up the same, or the full value thereof, to the assignee or assignees who shall be appointed or chosen under such commission, in manner aforesaid, in trust for, and to be divided amongst the other creditors of the said bankrupt, in proportion to their respective debts.

Notice of a dividend.

Sec. 29. *And be it further enacted*, That every person who shall be chosen assignee of the estate and effects of a bankrupt, shall, at some time after the expiration of four months, and within twelve months from the time of issuing the commission, cause at least thirty days

public notice to be given, of the time and place the commissioners and assignees intend to meet, to make a dividend or distribution of the bankrupt's estate and effects; at which time the creditors who have not before proved their debts, shall be at liberty to prove the same; and upon every such meeting, the assignee or assignees shall produce to the commissioners and creditors then present, fair and just accounts of all his or their receipts and payments, touching the bankrupt's estate and effects, and of what shall remain out standing, and the particulars thereof, and shall, if the creditors then present, or a major part of them, require the same, be examined upon oath or solemn affirmation, before the same commissioners, touching the truth of such accounts; and in such accounts, the said assignee or assignees shall be allowed and retain all such sum and sums of money, as they shall have paid or expended in suing out and prosecuting the commission, and all other just allowances on account of, or by reason or means of their being assignee or assignees; and the said commissioners shall order such part of the nett produce of the said bankrupt's estate, as by such accounts or otherwise shall appear to be in the hands of the said assignees, as they shall think fit, to be forthwith divided among such of the bankrupt's creditors as have duly proved their debts under such commission, in proportion to their several and respective debts; and the commissioners shall make such their order for a dividend in writing, under their hands, and shall cause one part of such order to be filed amongst the proceedings under the said commission, and shall deliver unto each of the assignees under such commission, a duplicate

Mode of making the first dividend.

of such their order, which order of distribution shall contain an account of the time and place of making such order, and the sum total or quantum of all the debts proved under the commission, and the sum total of the moneys remaining in the hands of the assignee or assignees to be divided, and how many per cent in particular is there ordered to be paid to every creditor of his debt; and the said assignee or assignees, in pursuance of such order, and without any deed or deeds of distribution, to be made for the purpose, shall forthwith make such dividend and distribution accordingly, and shall take receipts, in a book to be kept for the purpose, from each creditor, for the part or share of such dividend or distribution, which he or they shall make, and pay to each creditor respectively; and such order and receipt shall be a full and effectual discharge to such assignee for so much as he shall fairly pay, pursuant to such order as aforesaid.

Second and
subsequent
dividends.

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

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

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

Bankrupt's estate to be proportionably divided without regard to creditor's security.

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

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

Bankrupt bound to attend the assignees when required.

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

Allowance to the bankrupt out of his estate,

Sec. 34. *And be it further enacted*, That all and every person and persons who shall become bankrupt as aforesaid, and who shall, within the time limited by this act, surrender him or herself to the commissioners, and in all things conform as in and by this act is directed, shall be allowed five per cent, upon the nett produce of all the estate that shall be recovered in and received, which shall be paid unto him or her by the assignee or assignees, in case the nett produce of such estate, after such allowance made, shall be sufficient to pay the creditors of said bankrupt who shall have proved their debts under such commission, the amount of fifty per cent, on their

said debts, respectively, and so as the said five per cent, shall not exceed in the whole, the sum of five hundred dollars; and in case the nett produce of the said estate shall, over and above the allowance hereafter mentioned, be sufficient to pay the said creditors seventy five per cent, on the amount of their said debts, respectively, that then the said bankrupt shall be allowed ten per cent, on the amount of such nett produce, to be paid as aforesaid, so as such ten per cent, shall not, in the whole, exceed the sum of eight hundred dollars; and every such bankrupt shall be discharged from all debts by him or her due or owing, at the time he or she became bankrupt, and all which were or might have been proved under the said commission; and in case any such bankrupt shall afterwards be arrested, prosecuted or impleaded, for or on account of any of the said debts, such bankrupt may appear without bail, and may plead the general issue, and give this act, and the special matter in evidence: And the certificate of such bankrupt's conforming, and the allowance thereof, according to the directions of this act, shall be, and shall be allowed to be sufficient evidence, *prima facie*, of the party's being a bankrupt within the meaning of this act, and of the commission and other proceedings precedent to the obtaining such certificate, and a verdict shall thereupon pass for the defendant, unless the plaintiff in such action can prove the said certificate was obtained unfairly, and by fraud, or unless he can make appear any concealment of estate or effects, by such bankrupt to the value of one hundred dollars: *Provided*, That no such discharge of a bankrupt, shall release or discharge any per-

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

son who was a partner with such bankrupt, at the time he or she became bankrupt, or who was then jointly held or bound with such bankrupt for the same debt or debts from which such bankrupt was discharged as aforesaid.

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

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

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

Sec. 36. *Provided also, and be it further enacted,* That no person becoming a bankrupt according to the intent and provisions of this act, shall be entitled to a certificate of discharge, or to any of the benefits of the act, unless the commissioners shall certify under their hands, to the judge of the district within which such commission issues, that such bankrupt hath made a full discovery of his or her estate and effects, and in all things conformed him or herself to the directions of this act, and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same was not a full discovery of the said bankrupt's estate and ef-

fects; or unless the said judge should be of opinion that the said certificate was unreasonably denied by the commissioners; and unless two thirds, in number and in value, of the creditors of the bankrupt, who shall be creditors for not less than fifty dollars respectively, and who shall have duly proved their debts under the said commission, shall sign such certificate to the judge, and testify their consent to the allowance of a certificate of discharge, in pursuance of this act; which signing and consent shall be also certified by the commissioners; but the said commissioners shall not certify the same till they have proof by affidavit or affirmation, in writing, of such creditors, or of the persons respectively authorized for that purpose, signing the said certificate; which affidavit or affirmation, together with the letter or power of attorney to sign, shall be laid before the judge of the district within which such commission issues, in order for the allowing the certificate of discharge, and the said certificate shall not be allowed unless the bankrupt make oath or affirmation in writing, that the certificate of the commissioners, and consent of the creditors thereunto, were obtained fairly and without fraud; and any of the creditors of the said bankrupt are allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making or allowing of such certificates by the commissioners or judge.

Sec. 37. *And be it further enacted,* That if any creditor, or pretended creditor of any bankrupt, shall exhibit to the commissioners any fictitious or false debt, or demand, with intent to defraud the real creditors of such bankrupt, and the bankrupt shall refuse to

For what misconduct of the bankrupt, he shall lose his right to a certificate, &c.

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

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

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

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

Sec. 39. *And be it further enacted*, That every person who shall have *bona fide* given credit to or taken securities, payable at future days, from persons who are or shall become bankrupts, not due at the time of such persons becoming bankrupt, shall be admitted to prove their debts and contracts, as if they were payable presently, and shall have a dividend in

proportion to the other creditors, discounting, where no interest is payable, at the rate of so much per centum per annum, as is equal to the lawful interest of the state where the debt was payable; and the obligee of any bottomry or respondentia bond, and the assured in any policy of insurance, shall be admitted to claim, and after the contingency or loss, to prove the debt thereon, in like manner as if the same had happened before issuing the commission; and the bankrupt shall be discharged from such securities, as if such money had been due and payable before the time of his or her becoming bankrupt; and such creditors may petition for a commission, or join in petitioning.

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

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

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

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

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

shall, for such offence, being convicted thereof, forfeit a sum not exceeding three thousand dollars for the use of the creditors.

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

Off-fets to be allowed.

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

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

Sec. 43. *And be it further enacted,* That it shall and may be lawful to and for the assignee or assignees of any bankrupt's estate and effects, under the direction of the commissioners, and by and with the consent of the major part in value of such of the said bankrupt's creditors, as shall have duly proved their debts under the commission, and shall be present at any meeting of the said creditors, to be held in pursuance of due and public notice for that purpose given, to submit

any difference or dispute for, on account of, or by reason or means of, any matter, cause or thing whatsoever, relating to such bankrupt, or to his or her estate or effects, to the final end and determination of arbitrators to be chosen by the said commissioners, and the major part in value of such creditors as shall be present at such meeting as aforesaid, and the party or parties with whom they shall have such difference or dispute, and to perform the award of such arbitrators, or otherwise to compound and agree the matter in difference and dispute as aforesaid, in such manner as the said assignee or assignees under the direction and with the consent aforesaid, shall think fit and can agree; and the same shall be binding on the several creditors of the said bankrupt, and the said assignee or assignees are hereby indemnified for what they shall fairly do according to the directions aforesaid.

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

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

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

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

Sec. 46. *And be it further enacted*, That where any commission of bankruptcy shall be deli-

Commis-
sioners may
demand se-
curity for
the expen-
ses of the
commission

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

District
judge to fix
the com-
pensation
to the com-
missioners.

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

Penalties
how reco-
vered and
appropri-
ated.

Sec. 48. *And be it further enacted*, That all penalties, given by this act for the benefit of the creditors, shall be recovered by the assignee or assignees by action of debt, and the money so recovered, the charges of suit being deducted, shall be distributed towards payment of the creditors.

Sec. 49. *And be it further enacted*, That if any action shall be brought against any commissioner, or assignee, or other person, having

authority under the commission, for any thing done or performed by force of this act, the defendant may plead the general issue, and give this act and the special matter in evidence; and in case of a nonsuit, discontinuance, or verdict or judgment for him, he shall recover double costs.

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

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

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

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

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

Sec. 52. *And be it further enacted,* That it shall and may be lawful for any creditor of such bankrupt, to attend all or any of the

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

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

Allowance to the bankrupt, pending the proceedings.

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

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

fary support of the said bankrupt and his family.

Sec. 54. *And be it further enacted*, That it shall be lawful for the major part in value of the creditors, before they proceed to the choice of assignees, to direct in what manner, with whom, and where the monies arising by, and to be received from time to time out of the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided; to which direction every such assignee and assignees shall conform as often as three hundred dollars shall be received.

Creditors may direct where the money shall be deposited.

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

Majority of the commissioners may act.

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

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

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

Effect of a discharge under a second commission

five per cent, to his or her creditors on the amount of their debts respectively.

Claims of
Creditors
may be
tried by
jury.

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

Bankrupt's
estate may
be sold on
credit.

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

Sec. 60. *And be it further enacted,* That if any person becoming bankrupt, shall be in prison, it shall be lawful for any creditor or creditors, at whose suit he or she shall be in execution, to discharge him or her from custody, or if such creditor or creditors shall refuse to do so, the prisoner may petition the commissioners, to liberate him or her, and thereupon, if, in the opinion of the commissioners, the conduct of such bankrupt shall have been fair, so as to entitle him or her in their opinion, to a certificate, when by law such certificate might be given, it shall be lawful for them to direct the discharge of such prisoner, and to enter the same in their books, which being notified to the keeper of the gaol in which such prisoner may be confined, shall be a sufficient authority for his or her discharge: *Provided,* That in either case, such discharge shall be no bar to another execution, if a certificate shall be refused to such bankrupt: *And provided also,* that it shall be no bar to a subsequent imprisonment of such bankrupt by order of the commissioners, in conformity with the provisions of this act.

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

Sec. 61. *And be it further enacted,* That this act shall not repeal or annul, or be construed to repeal or annul the laws of any state now in force, or which may be hereafter enacted, for the relief of insolvent debtors, except so far as the same may respect persons, who are, or may be clearly within the purview of this act, and whose debts shall amount in the cases specified in the second section thereof to the sums therein mentioned. And if any person within the purview of this act shall be imprisoned for the space of three months, for any debt, or upon any contract, unless the credi-

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

tors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may and shall be entitled to relief, under any such laws for the relief of insolvent debtors, this act notwithstanding.

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

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

Saving of existing liens.

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

Limitation of this act.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 4, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XX.

An ACT to discharge Robert Sturgeon from his imprisonment.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the keeper of the prison in Lewistown, county of Mifflin, and state of Pennsylvania, be, and he is hereby authorized and directed to release Robert Sturgeon from imprisonment, on a process, in favor of the United States, by virtue of which he is now imprisoned: *Provided*, he obtains and produces to him, the said keeper, a certificate from the Secretary of the Treasury, that he the said Robert has assigned and conveyed all his estate, real and personal, in his possession, or to which he is entitled, to some person or persons, for the use of the United States, under the direction and to the satisfaction of the Secretary of the Treasury, which certificate shall be sufficient authority for the keeper of said prison to release said Robert, so far as he is holden, by virtue of said process, in favor of the United States.

And provided also, That the judgment obtained, or to be obtained on said process, shall remain in full force against any estate the said Robert may hereafter acquire.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 5, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXI.

An ACT to allow a drawback of duties on goods exported to New-Orleans, and therein to amend the act intituled " An act to regulate the collection of duties on imports and tonnage."

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 5th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXII.

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

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act

intituled " An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," shall be in force, and is hereby continued for the term of ten years, from the third day of March, one thousand eight hundred, and until the end of the session of Congress next ensuing the expiration of that term, any thing in the ninth section of the said act to the contrary hereof notwithstanding.

Continuation of the act for ten years.

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

Continuation of certain allowances to fishing vessels.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 12th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXIII.

An ACT to alter the form of certain oaths and affirmations directed to be taken by the act, entitled "An act providing for the second census, or enumeration of the inhabitants of the United States."

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

assigned to me by the marshal of the district of _____ (or the secretary of the territory of _____ as the case may be) and make due return thereof to the said marshal (or secretary) agreeably to the directions of an act of Congress, intituled " An act providing for the second census or enumeration of the inhabitants of the United States," according to the best of my ability.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 12th, 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXIV.

An ACT for the relief of the corporation of Rhode Island college.

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 authorized and directed to liquidate and settle the claims of the corporation of Rhode Island college, for compensation for the use, and occupation of the edifice of the said college, and for injuries done to the same, from the tenth Day of December, one thousand seven hundred and seventy-six, to the twentieth day of April, one thousand seven hundred and eighty, by the troops of the United States; and that the sum which may be found due to the said corporation, for damages done to,

and occupation of the said edifice, as aforesaid, be paid them out of any monies in the Treasury not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate:*

APPROVED—April 16, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXV.

An ACT to extend the privilege of obtaining patents for useful discoveries and inventions, to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all and singular the rights and privileges given, intended or provided to citizens of the United States, respecting patents for new inventions, discoveries, and improvements, by the act, intituled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby are extended and given to all aliens who at the time of petitioning in the manner prescribed by the said act, shall have resided for two years within the United States, which privileges shall be obtained, used, and enjoyed, by such persons, in as full and ample manner, and under the same conditions, limitations and restrictions, as by the said act is provided and directed in the case of citizens of the

Persons having resided two years within the U.S. entitled to the benefit of the former act.

United States. *Provided always*, That every person petitioning for a patent for any invention, art or discovery, pursuant to this act, shall make oath or affirmation before some person duly authorized to administer oaths before such patent shall be granted, that such invention, art or discovery hath not, to the best of his or her knowledge or belief, been known or used either in this or any foreign country; and that every patent which shall be obtained pursuant to this act, for any invention, art or discovery, which it shall afterwards appear had been known or used previous to such application for a patent, shall be utterly void.

Oath to be taken by such resident.

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

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

Sec. 3. *And be it further enacted*, That where any patent shall be, or shall have been granted pursuant to this or the abovementioned act,

Damages for breach of patent-right.

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

Repeal of
part of the
former act.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 17th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXVI.

An ACT to fix the compensation of the Paymaster General, and Assistant to the Adjutant-General.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Paymaster-General of the army of the United

States shall receive one hundred and twenty dollars per month, with the rations and forage of a Major, in full compensation for his services and travelling expences, to be computed from the commencement of the time of his actual residence at the seat of government, any thing in the " Act for the better organizing of the troops of the United States, and for other purposes," to the contrary notwithstanding.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 22d, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXVII.

*An ACT to continue in force the act, intituled
" An act to authorize the defence of the merchant vessels of the United States against French depredations."*

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act passed on the twenty-fifth day of June, one thousand se-

ven hundred and ninety-eight, intituled “ An act to authorize the defence of the merchant vessels of the United States against French depredations,” excepting such parts of the said act as relate to salvage in cases of re-capture, shall continue and be in force for and during the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 22d, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXVIII.

An ACT to continue in force, for a limited time, an act, intituled “ An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses.”

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That an act passed on the twenty-third day of January, one thousand seven hundred and ninety-eight, intituled “ An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the atten-

dance of witnesses," shall be and continue in force for the term of four years, and no longer.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 22d, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXIX.

An ACT fixing the rank and pay of the commanding officer of the Corps of Marines.

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

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 22d, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXX.

An ACT supplementary to the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 22d, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXXI.

An ACT to establish a general Stamp Office.

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

Superintendent of stamps to be appointed—

His duty.

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

His office to be held at the seat of government.

His allowance.

Privilege of franking.

Sec. 3. *And be it further enacted,* That the said superintendent shall, with the approbation of the principal officer of the Treasury

Allowance of clerks.

Department, employ such number of clerks and other assistants in his office as shall be found necessary; and shall apportion and vary the compensation to each, in such manner as the services rendered by each shall in his judgment require: *Provided*, that the whole amount of the compensations to said clerks and assistants shall not exceed two thousand five hundred dollars annually.

He shall
give bond.

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

Certain
powers of
the super-
visors to
cease after
six months
notice, &c.

Sec. 5. *And be it further enacted*, That from and after the establishment of the office aforesaid at the seat of government, and after six months notice of the new stamps hereby directed to be prepared and issued; which notice shall be given by the Secretary of the Treasury, in the manner directed by the tenth section of the act, entitled "An act laying duties on stamped vellum, parchment, and paper," so much of the act or acts heretofore passed, as empower and require the supervisors of the revenue to stamp or mark any vellum, parchment, or paper, shall cease and determine.

Sec. 6. *And be it further enacted*, That if any deed, instrument or writing whatever, charged

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

Manner of legalizing an instrument not stamped or improperly stamped.

ed, or marked as by law required, any thing in any act to the contrary notwithstanding.

Duty of the Collectors and Surveyors of the revenue herein.

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

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

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

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

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

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

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

Vellum, &c. to be counter-stamped.

missioner of the revenue, and from time to time returned to the proper officers of the Treasury Department.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 23d, A. D. 1800.

JOHN ADAMS, *President of the United States.*

CHAPTER XXXII.

An ACT to alter and to establish sundry post roads.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following post roads be discontinued, viz. From Washington, to Petersburg, in Georgia:—From Augusta, by Robinson's, at the White Ponds, and Gillet's Mills, to Coofawhatchie:—From Charlotte, by Lincolnton, to Statesville, North-Carolina:—From Chester Court House, to Spartan Court House:—From Fayetteville, by Lumberton, to Cheraw Court House:—From Mofat's store to Danville:—From Culpepper Court House, to Orange Court House:—From Leesburg, to Fauquier Court House:—From Tappahannock, by Richmond Court House, and Westmoreland Court House, to Kinfaie:—From Prince Edward Court House, to Lynchburg:—From Easton, by New-Market, to Vienna:—From Allensfresh, by Hoe's ferry, to Port Conway:—From Bladensburgh to Upper Marlborough:—From Harrisburg, by Petersburg, Millers-town, Thompson-town, Mifflin-town, Lewis-town, Huntingdon, Alexandria, Center-furnace, Bellefont, Milesburg, Aaronsburg, Mifflinsburg, Lewisburg, Northumberland and Sunbury, to Harrisburg:—From Easton, to Suffex Court House:—From New-Brunswick to New-Germantown:—From Washington, in Pennsylvania, to Wheeling, in Virginia:—From Old Fort Schuyler, by Cincinnatus, to Oxford:—From Vergennes, to Basonharbour, to Plattsburg:—From Rome, to Rotterdam:—From Boston, by Taunton, to New Bedford:—From Cambden, by Lancaster, South-Carolina, Charlotte, North-Carolina, and Lincolnton, to States

Discontinuance of certain post roads.

ville, North-Carolina :—From Fayetteville, to Pittsburg, in Chatham County :—From Halifax Court House, Virginia, by Danville, to Caswell Court House :—From Liberty, by Rocky Mount, to Martinville :—From Louisburg, by Nash Court House, to Tarborough :—From Newbern, by Beaufort and Swansborough, to Newbern :—From Rutherfordton, to Spartanburg :—From Springfield, Massachusetts, to Northampton :—From Standish, in Maine, by Flint's-town, and Fryberg, to Conway, Tamworth, and Sandwich, in New-Hampshire :—From Suffolk, by South Quay, to Murfreesborough :—From Wilmington, North-Carolina, to Georgetown, South-Carolina :—From Petersburg, by Suffex Court House, and Southampton Court House, to South Quay.

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

New post
roads esta-
blished.

IN GEORGIA.

From Augusta, to Petersburg, by Lincoln Court House :—From Franklin Court House, to Jackson Court House :—From George-town to Warrenton :—From Louisville, to Saunderville :—From Washington, to Ogelthorpe Court House.

IN SOUTH-CAROLINA.

From Augusta, Georgia, by the Three Runs, to Coofawhatchie :—The post road from Edgefield Court House, to Augusta, shall pass through Campbel-town :—From George-town, by Willtown, Greenville, and Chatham, to Richmond Court House, North-Carolina :—From Stateburg, by Salem Court House, and Kingstree, to Willtown :—From Columbia, to Clarendon Court House :—From Chester Court House, by York Court House, Pinckneyville, and Union Court House, to Spartanburg.

IN NORTH-CAROLINA.

From Washington, to Bath, and from thence by Woodstock, to Hyde Court House:—From Fayetteville, by M'Fall's, and Winfield's, to Cheraw Court House, South-Carolina:—From Fayetteville, by Lumberton, and Barefield's Mill, to Will-town, South-Carolina:—From Lumberton, by Elizabeth-town, to the house of John Andrews, or William H. Beaty, on South River:—From Fayetteville, to Wilmington:—From Charlotte, by Lincolnton, and Morganton, Buncomb Court House, the Warm Springs, and thence to Grenville, in Tennessee:—The post road from Salem, to Salisbury, shall pass through Lexington:—The post road from Raleigh, to Newbern, shall pass through the county of Davie:—The post road from Moore Court House, to Salisbury, to pass by the new or old Court House of Randolph, as may be found most eligible:—From Rockford, to Grayson Court House, Virginia.

New post roads established.

IN TENNESSEE.

From Knoxville, to Marysville:—From Sullivan Court House, by Hawkins Court House, and Orr's taven, to Knoxville:—From Nashville, by Robertson Court House, and Montgomery Court House, to Palmyra:—From Nashville, to Natchez, in the Mississippi Territory:—The post road which now passes from Abington, in Virginia, to Knoxville, in Tennessee, shall hereafter pass by Sullivan Court House, Jonesborough, Greenville, Cheek's cross roads, and Jefferson Court House.

IN KENTUCKY.

From Frankfort, by Versailles, and Richmond, to Orr's tavern, Tennessee:—From Danville, by Standford, to Lancaster:—From Frankfort, by Clarke Court House, Montgomery Court House, and Fleming Court House, to Washing-

New post
roads esta-
blished.

ton:—From Frankfort, by Scott Court House, Harrison Court House, Pendleton Court House, and Campbell Court House, to Cincinnati, north-western Territory:—From Frankfort, by Shelbyville, Bard's-town, Hardin Court House, and Logan Court House, to Robinson Court House, in Tennessee:—The post road from Washington, to Cincinnati, shall pass by Bracken Court House:—The post road from Bearstown, to Louisville, shall pass through Shepherdsville:—From Logan Court House, by Christian Court House, Livingston Court House, Henderson Court House, to Muhlenburg Court House:—And from Logan Court House, by Warren Court House, and Barren Court House, to Green Court House.

IN THE NORTH WESTERN TERRITORY.

From Washington, Kentucky, by Manchester, in North Western Territory, to Chilicotha:—From Louisville, Kentucky, to Vincennes:—From Zanes, on the Muskingum, to Marietta.

IN VIRGINIA.

From Culpepper Court House, by Madison Court House, to Orange Court House:—From Fredericksburg, by Spottsylvania Court House, and Louisa Court House, to Columbia:—From Fredericksburgh, by King George Court House, Mattoxbridge, Leedstown, Westmoreland Court House on Templeman's cross-roads, Richmond Court House, and Farnham, to Kinross:—From Fredericksburg, by Rogers' mills, Chiles' store, Chesterfield, Oxford, and Crew's store, to Goochland Court House:—From King and Queen Court House, to Shackelford's store:—From Gloucester Court House, to Matthews Court House:—From Moorfields, by Franklin, to Bath Court House:—From Richmond, by Coles' in Chesterfield county, Janetoebridge, Amelia Court House, Prideville, and Ligontown, to Jamestown:—From Petersburg, by Amelia Court

House, Nottaway Court House, Bibb's ferry on Staunton river, to Halifax Court House:—From Alexandria, by Centerville, Middleburg, Paris, and Millwood, to Winchester:—From Cartersville, by New Canton, Buckingham Court House, and Bent Creek, to Lynchburg:—From Romney, by Springfield, and Frankfort, to Cumberland, in Maryland:—From Centerville, by the Redhouse, to Fauquier Court House:—From Washington, Pennsylvania, by Charlestown or Brooke Court House, in Virginia, to Wheeling:—The post road from Alexandria, to Leesburg, shall pass through Matildaville:—And the post road from Leesburg, to Sheperdstown, shall pass through Charlestown, in the county of Berkley:—The post road from Sweetspring, to Greenbrier Court House, shall pass by Monroe Court House:—From Greenbrier Court House, to Kanaway Court House:—From Lexington, direct to Cabellsburg:—From Mecklenburg Court House, the mail shall return by Christian's store, at Coxe's, to Lunenburg Court House, and Edmond's store, to Gholfon's.

New post roads established.

IN MARYLAND.

From Baltimore, by Reisters-town, Westminster, Taney-town, and Emmitsburg, to Fairfield, Pennsylvania:—From Baltimore, by Liberty-town, to Frederick-town:—And from Frederick-town, by Harper's ferry, to Charles-town, in Berkeley county, Virginia:—From Port-Tobacco, by the Top of the Hill, to Nanjemoy:—From Leonard-town, by the Great Mill, to the Ridge:—From Washington, to Upper Marlborough:—From Washington, by Queen Ann, to Annapolis:—From Easton, by Cambridge, and New-Market, to Vienna:—From Easton, by Hillsborough, Denton, and Greenborough, to Whitelysburg.

IN PENNSYLVANIA.

New post
roads esta-
blished.

From Lancaster, by Elizabeth-town, and Middletown, to Harrisburgh, Sunbury, and Northumberland:—From Lancaster, to New-Holland:—From Harrisburgh, by Clark's ferry, Millers-town, Thompson-town, Mifflin-town, Lewis-town, and Huntingdon, to Alexandria:—From Lewis-town, by Mifflin-town, Aaronsburg, Milesburg, and Bellefont, to Center Furnace:—From Lewis-town, by Muncey, and Milton, to Williams-Port:—From Northumberland, to Berwick, and thence by Catawaffee, to Northumberland:—From Wilkesbarre, by Wyalusing, to Athens:—From Union, to New Geneva:—From Pittsburg, by Franklin, Meadsville, and Le Beuf, to Presqu'Isle:—From Washington, to Waynesburg.

IN NEW-YORK.

From Hudson, by Katskill, Harpersfield, Ouliot, Unadilla, and Union, to Athens, Pennsylvania:—From Athens, Pennsylvania, by Newtown, Painted Post, and Bath, to Canandarqua:—From Utica, by New Hartford, Hamilton, and Sherbourne, to Oxford:—From Cooper's-town, on the state road, to Scipio:—From Vergennes, Vermont, by Charlotte, Vermont, and Peru, to Plattsburg.

IN NEW-JERSEY.

From Easton, Pennsylvania, by Belvidere and Johnsonburg, to New-town:—From New-Brunswick, by Somersct Court House, and Pluckemin, to New Germanton:—From Trenton, by Borden-town, Slab-town, Mount-Holly, Moorestown, and Haddenfield, to Philadelphia.

IN CONNECTICUT.

From Fairfield, by Trumbull, Huntington, New-town, and Brookfield, to New Milford.

IN MASSACHUSETTS.

From Bolton, by Bridgewater, and Taunton, to New-Bedford:—From New-Bedford, by Rochester, and Wareham, to Sandwich:—From Hanover, by Scituate, Marsh-Field, and Duxbury, to Kingston:—From Truro, to Provincetown:—From Bellerica, by Patucket bridge, to Dracut, and Hovey's tavern, to Pelham, and Nottingham West, in New-Hampshire:—From Concord, by Groton, New Ipswich, and Jaffray, to Marlborough, New-Hampshire.

New post roads established.

IN VERMONT.

From Westminster, by Bellows-falls, through Rockingham, Chester, and Cavendish, to Rutland:—From Newbury, to Danville:—From Burlington, through St. Alban's, to Hyegate.

IN NEW-HAMPSHIRE.

From Exeter, by Nottingham, to Concord:—From Salisbury, through Grafton, to Hanover.

IN MAINE.

From Portland, by Windham, Waterford, Buckfield, and Turner, to Portland:—From Buck-town, to Edenton.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 23d, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXXIII.

An ACT for the better government of the Navy of the United States.

Exemplary
conduct
incumbent
on com-
manders.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

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

Divine ser-
vice and
preaching.

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

Punish-
ment of
certain
scandalous
offences.

Art. III. Any officer, or other person in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge; if a private, shall

be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes; but if the offence require severer punishment, he shall be tried by a court martial, and suffer such punishment as said court shall inflict.

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

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

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

Art. VI. Every officer or private who shall, through cowardice, negligence, or disaffection, in time of action, withdraw from, or keep out of battle, or shall not do his utmost to take or destroy every vessel which it is his duty to en-

counter, or shall not do his utmost endeavour to afford relief to ships belonging to the United States, every such offender shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Papers
to be
transmitted
respecting
captures.

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

Penalty on
pillaging a
prize, or
maltreat-
ing the
persons on
board the
same.

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

Art. IX. No person in the navy shall strip of their clothes, or pillage, or in any manner mal-

treat persons taken on board a prize, on pain of such punishment as a court martial shall adjudge.

Art. X. No person in the navy shall give, hold, or entertain any intercourse or intelligence to or with any enemy or rebel, without leave from the President of the United States, the Secretary of the Navy, the commander in chief of the fleet, or the commander of a squadron; or in case of a vessel acting singly, from his commanding officer, on pain of death, or such other punishment as a court martial shall adjudge.

Inter-
course with
enemies
and rebels.

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

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

Mutiny
and sedi-
tion.

Art. XIII. If any person in the navy shall make, or attempt to make any mutinous assembly, he shall, on conviction thereof by a court martial, suffer death; and if any person as aforesaid shall utter any seditious or mutinous words,

or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior, being in the execution of his office; or being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial.

Disobedi-
ence of or-
ders and
assault of a
superior
officer.

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

Quarrel-
ing.

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

Desertion.

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

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

Offences
committed
on shore.

All offences committed by persons belonging to the navy while on shore, shall be punished in the same manner as if they had been committed at sea.

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

Frauds
against the
United
States.

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

Improper
navigation
of vessels.

Art. XX. If any person in the navy shall sleep upon his watch, or negligently perform the duty assigned him, or leave his station before regularly relieved, he shall suffer death, or such punishment as a court martial shall adjudge; or if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged not exceeding twelve lashes.

Negligence
in the per-
formance
of duty, &c.

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

Murder.

Art. XXII. The officers and privates of every ship or vessel, appointed as convoy to merchant or other vessels, shall diligently and faithfully discharge the duties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat any of the

Duties in
relation to
convoy.

officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suffering such further punishment as a court martial shall adjudge.

Penalty on receiving merchandize on board.

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

Waste, embezzlement, &c. of public property.

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

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

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

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

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

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

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

Rules to be hung up and read.

Treatment of the sick.

Paying off.

Treatment of inferior officers and men.

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

Art. XXX. No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him otherwise than by suspension or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat-of-nine-tails, nor shall he suffer any wired, or other than a plain cat-of-nine-tails, to be used on board his ship; nor shall any officer who may command by accident, or in the absence of the commanding officer (except such commander be absent for a time by leave) order or inflict any other punishment than confinement, for which he shall ac-

count on the return of such absent commanding officer. Nor shall any commanding officer receive on board any petty officers or men turned over from any other vessel to him, unless each of such officers and men produce to him an account signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid and the balance due him, and the quality in which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as aforesaid, rate him in a lower or worse station than that in which he formerly served: Any commanding officer offending herein, shall be punished at the discretion of a court martial.

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

Master at arms.

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

Crimes not specified.

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

Who are petty officers.

Art. XXXIV. Any person entitled to wages or prize money may have the same paid to his

Assignment of wages and prize money.

assignee, provided the assignment be attested by the captain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his crew from selling any part of their wages or prize money, and never to attest any power of attorney, until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

NAVAL GENERAL COURTS MARTIAL.

Appoin-
ment of
naval gene-
ral courts
martial.

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

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

Oath of
members
of general
courts
martial.

“ I, *A. B.* do swear or affirm, that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own con-

science; and that I will not by any means divulge or disclose the sentence of the court, until it shall have been approved by the proper authority, nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, the President is authorized and required to administer the following oath or affirmation to the Judge Advocate, or person officiating as such.

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

Oath of
the judge
advocate.

Art. XXXVII. All testimony given to a general court martial shall be on oath or affirmation, which the President of the court is hereby authorized to administer, and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion; provided that the imprisonment in no case shall exceed two months: And every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure, or suborn any person to commit such wilful perjury, shall and may be prosecuted by indictment or information, in any court of justice of the United States, and shall suffer such penalties as are authorized by

Giving of
testimony.

the laws of the United States in cases of perjury or the subornation thereof. And in every prosecution for perjury or the subornation thereof under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought or intended to be brought before the said court.

Exhibition
of charges.

Art. XXXVIII. All charges, on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest, nor shall any other charge or charges, than those so exhibited, be urged against the person to be tried before the court, unless it appear to the court that intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismissal from service.

Treatment
of an arres-
ted officer.

Continu-
ance of
general
courts
martial.

Art. XXXIX. When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given: And no member of said court shall, after the pro-

ceedings are begun, absent himself therefrom, unless in case of sickness, or orders to go on duty from a superior officer, on pain of being cashiered.

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

Order of suspension.

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

How sentences are to be given and confirmed.

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

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

Pardon and mitigation of punishments.

Sec. 2. Art. I. *And be it further enacted,* That courts of enquiry may be ordered by the President of the United States, the Secretary of the

Courts of enquiry may be ordered.

Navy, or the commander of a fleet or squadron, provided such court shall not consist of more than three members who shall be commissioned officers, and a judge advocate, or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt in the same manner as courts martial. But such court shall merely state facts, and not give their opinion, unless expressly required so to do in the order for convening; and the party, whose conduct shall be the subject of enquiry, shall have permission to cross examine all the witnesses.

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

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

“ You do swear, or affirm, well and truly to examine and enquire according to the evidence, into the matter now before you, without partiality or prejudice.”

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

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

Sec. 3. *And be it further enacted*, That in all cases, where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost or destroyed, all the command, power, and autho-

Oaths of
the mem-
bers and
judge ad-
vocate.

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

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

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

Pay of captives to continue.

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

To whom the proceeds of prizes shall accrue.

of inferior force, shall be divided equally between the United States and the officers and men making the capture.

Distribu-
tion of
prize mo-
ney.

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

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

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

III. To chaplains, lieutenants of marines, surgeons, purfers, boatswains, gunners, carpenters, and masters mates, two twentieths.

IV. To midshipmen, surgeons mates, captains clerks, schoolmasters, boatswains mates, gunners mates, carpenters mates, ships stewards, sail makers, masters at arms, armourers, cockswains, and coopers, three twentieths and an half.

V. To gunners yeomen, boatswains yeomen, quarter masters, quarter gunners, sail makers mates, serjeants and corporals of marines, drummers, fifers and extra petty officers, two twentieths and an half.

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

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

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

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

Bounty given in certain cases.

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

Pensions to persons disabled in the service.

Appropriation of the part of captured property belonging to the United States.

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

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

Repeal of the former act.

Sec. 11. *And be it further enacted*, That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, entitled "An act for the government of the navy of the United States," from and after the

first day of June next, shall be and hereby is repealed.

THEODORE SEDGWICK,
Speaker of the House of Representatives.
 TH: JEFFERSON,
*Vice-President of the United States, and
 President of the Senate.*

APPROVED—April 23d, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXXIV.

An ACT respecting the Mint.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a sum equal to the amount of the cents and half cents, which shall have been coined at the mint, and delivered to the Treasurer of the United States, subsequent to the third day of March, in the year one thousand seven hundred and ninety-nine, shall be, and the same is hereby appropriated for the purchase of copper for the further coinage of cents and half cents; and that a sum equal to the amount of cents and half cents, which shall be hereafter coined at the mint, and delivered to the Treasurer of the United States in any one year, shall be, and the same is hereby appropriated for the annual purchase of copper for the coinage of cents and half cents, which sums shall be payable out of any monies in the Treasury not otherwise appropriated.

Appropriation for the purchase of copper.

Sec. 2. *And be it further enacted,* That there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same,

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

and an accurate account of such expense on every such deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the Treasurer of the Mint, with the Treasury of the United States.

THEODORE SEDGWICK,
Speaker of the House of Representatives.
TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 24th, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXXV.

An ACT to continue in force the act in addition to the act for the punishment of certain crimes against the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That an act passed on the fifth day of June one thousand seven hundred and ninety-four, intituled “An act in addition to the act for the punishment of certain crimes against the United States,” and which by the tenth section thereof was limited to continue in force for and during the term of two years from passing the same, and from thence to the end of the next session of Congress thereafter, and no longer; and which said act was, by an act passed on the second day of March one thousand seven hundred and ninety-seven, intituled “An act to continue in force for a limited time, the act in addition to the act for the punishment of certain crimes against the United States,” further continued in force for two years from the said second day of March one thousand seven

hundred and ninety-seven, and from thence to the end of the next session of Congress thereafter, shall continue and be in force without limitation of time, any thing in any act to the contrary notwithstanding.

THEODORE SEDGWICK,
Speaker of the House of Representatives,
TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 24th, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXXVI.

An ACT to repeal the act laying duties on mills and implements employed in the manufacture of snuff.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the act, intituled “An act to alter and amend the act, intituled ‘An act laying certain duties upon snuff and refined sugar,’” passed on the third day of March, one thousand seven hundred and ninety-five, as imposes a duty upon mills and implements employed in the manufacture of snuff, or allows a drawback upon the exportation of snuff manufactured within the United States, shall be, and the same hereby is repealed.

THEODORE SEDGWICK,
Speaker of the House of Representatives.
TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 24th, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XXXVII.

An ACT to make further provision for the removal and accommodation of the Government of the United States.

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

President may direct the removal of the offices, &c.

Sec. 2. *And be it further enacted*, That for the purpose of providing furniture for the house erected in the city of Washington, for the accommodation of the President of the United States, a sum not exceeding fifteen thousand dollars be expended, under the direction of the heads of the several departments of State, of the Treasury, of War, and of the Navy.

Providing of furniture for the President's house,

Sec. 3. *And be it further enacted*, That for the suitable accommodation of Congress at the city of Washington, the Secretaries of the four executive departments, or any three of them, shall be, and hereby are authorized and directed to cause suitable furniture to be forthwith provided for the apartments, which are to be occupied in the capitol at the said city, by the two houses respectively, and for the offices and committee rooms of each; and to cause the said apartments, offices and committee rooms to be furnished in a suitable manner, so as to be ready for the reception of Congress on the day fixed by law for the removal of the government to the said city;

and for the capitol.

and that for defraying the expenses incident to the furnishing of the said apartments, offices, and committee rooms, and to the removal of the books, papers, and records belonging to the said offices respectively, there shall be, and hereby is appropriated a sum not exceeding nine thousand dollars.

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

Foot-ways
to be made.

appropriated for the said purpose. And all the lots in the city of Washington, now vested in the said commissioners, or in trustees in any manner for the use of the United States, and now remaining unsold, excepting those set apart for public purposes, shall be and are hereby declared and made chargeable with the re-payment of the said sum of ten thousand dollars, which shall be advanced in pursuance of this act, and the interest accruing thereon.

Purchase
of books.

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

Appropriations
how
to be paid.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 24th, A. D. 1800.

JOHN ADAMS, *President of the United States.*

CHAPTER XXXVIII.

An ACT to authorize the President of the United States to accept, for the United States, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

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

The President may issue letters patent releasing the right of the U. S. to the soil of the western reserve.

office, forever, for the purpose of quieting the grantees and purchasers under said state of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided,
Connecticut shall
cede to the
U. States,
certain
western
lands;

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

and execute a deed
relinquishing her
jurisdictional
claim to
the western
reserve.

And provided also, That the said state of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said state duly authorized by the legislature thereof, execute and deliver to the acceptance of the President of the United States, a deed expressly releasing to the United States the jurisdictional claim of the said state of Connecticut, to the said tract of land herein described under the name of the Western Reserve of Connecti-

cut, and shall deposit an exemplification of said act of renunciation, under the seal of the said state of Connecticut, together with said deed releas̄ing said jurisdiction, in the office of the Department of State of the United States, which deed of cession when so deposited shall vest the jurisdiction of said territory in the United States:

Provided, that neither this act, nor any thing contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the Federal Court at Trenton, nor to impair the right of Pennsylvania or any other state, or of any person or persons claiming under that or any other state, in any existing dispute concerning the right, either of soil or of jurisdiction, with the state of Connecticut, or with any person or persons claiming under the state of Connecticut: *And provided also*, that nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.

Saving of
certain
construc-
tions.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 28th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XXXIX.

An ACT to provide for re-building the light house at New-London; for the support of a light house at Clark's Point; for the erection and support of a light house at Wigwam Point, and for other purposes.

Light-
house at
N. London.

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

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

Light-
house at
Clark's
Point.

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

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

Buoys to be placed within Buzzard's Bay.

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

Light house to be erected on Wigwam point.

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

Appropriation.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 29th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XL.

An ACT supplementary to the laws now in force, fixing the compensations of the officers of the Senate and House of Representatives.

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

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 2d, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLI.

An ACT to divide the territory of the United States north-west of the Ohio, into two separate governments.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the fourth day of July next, all that part of the territory of the United States north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

Boundary and name of the new territory.

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

Form of government and privileges of the inhabitants.

the rights, privileges and advantages granted and secured to the people by the said ordinance.

Powers,
duties, and
compensati-
on of the
officers.

Sec. 3. *And be it further enacted*, That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States north-west of the river Ohio: And the duties and emoluments of Superintendent of Indian Affairs shall be united with those of governor: *Provided*, That the President of the United States shall have full power, in the recesses 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.

Commis-
sions may be
issued in the
recess.

Organizati-
on of a ge-
neral assem-
bly.

Sec. 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States north-west of the Ohio river, as relates to the organization of a General Assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, That until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the General Assembly shall not be less than seven, nor more than nine, to be ap-

portioned 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 territory of the United States north-west of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided*, That whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; any thing in this act contained to the contrary notwithstanding.

Construction of this act with respect to the government of the n. w. territory.

Eventual change of the boundary.

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

Seats of the two governments.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

-APPROVED—May 7th, A. D. 1800.

JOHN ADAMS, *President of the United States.*

CHAPTER XLII.

An ACT to enable the President of the United States to borrow money for the public service.

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

President
authorized
to borrow
3,500,000
dollars.

Appropriation for the payment of interest,

Sec. 2. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be and hereby is pledged and

appropriated for paying the interest of all such monies as may be borrowed pursuant to this act, according to the terms and conditions on which the loan or loans respectively may be effected; and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid: And the faith of the United States shall be, and hereby is pledged to establish sufficient permanent revenues for making up any deficiency, that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid.

and exting-
guishment
of the prin-
cipal.

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

Appropriation of the
proceeds of
the loan.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 7th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLIII.

An ACT to continue in force “ An act laying an additional duty on salt imported into the United States; and for other purposes.”

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That an act passed on the eighth day of July, one thousand seven hundred and ninety-seven, intituled, “ An act laying an additional duty on salt imported into the United States, and for other purposes,” shall be, and the same is hereby continued in force for and during the term of ten years from the third day of March one thousand eight hundred, and from thence to the end of the next session of Congress thereafter, and no longer.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 7th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLIV.

An ACT to authorize the allowance of a credit to William Tazewell.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in settling the accounts of William Tazewell, secretary of Elbridge Gerry, late envoy extraordinary from the United States of America to the French Republic, the Secretary of State be, and he is hereby authorized to allow the reasonable ex-

penfes incurred by the faid William Tazewell, in confequence of his being captured on his return to the United States.

THEODORE SEDGWICK,
Speaker of the Houfe of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 7th, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER XLV.

An ACT to authorize the fale and conveyance of lands, in certain cafes, by the Marshals of the United States, and to confirm former fale.

Sec. 1. **B**E it enacted by the Senate and Houfe of Representatives of the United States of America, in Congress affembled, That where the United States fhall have obtained judgment in civil actions, brought in thofe ftates wherein by the laws and practice of fuch ftates lands or other real eftate belonging to the debtor are delivered to the creditor in fatisfaction of fuch judgment, and fhall have received feifin and poffeffion of lands fo delivered, it fhall be lawful for the marshal of the diftrict wherein fuch lands or other real eftate are fituated, under the directions of the Secretary of the Treasury, to expofe the fame to fale at public auction, and to execute a grant thereof to the higheft bidder, on receiving payment of the full purchafe money; which grant, fo made, fhall veft in fuch purchafer all the right, eftate, and intereft of

Marshals may fell the intereft in lands delivered to the U. S. in fatisfaction of judgments.

the United States in and to such lands, or other real estate.

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

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

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

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

extended to all the cases respectively which may have happened before the passing of this act.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 7th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLVI.

An ACT for the regulation of public arsenals and magazines.

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

Rations to the superintendants and master armorers.

Sec. 2. *And be it further enacted,* That if any person shall procure, or entice any artificer or workman, retained or employed in any arsenal or armory of the United States, to depart from the same during the continuance of his engagement, or avoid or break his contract with the United States, or who after due notice of the engagement of any such workman or armorer, in any arsenal or armory, shall, during the continuance of such engagement, retain, hire, or in any wise employ, harbour, or conceal such artificer or workman, the person so offending shall, upon conviction, be fined at the discretion of

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

the court not exceeding fifty dollars, or be imprisoned for any term not exceeding three months.

Penalty on workmen being guilty of certain misconduct.

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

Exemption from military service, and service as jurors.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 7th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLVII.

An ACT making appropriations for the support of government for the year one thousand eight hundred.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the

expenditure of the civil list, including the contingent expenses of the several departments and officers; for the compensation of clerks in the several loan-offices, and for books and stationery for the same; for the payment of annuities and grants, for the support of the mint establishment, for the expenses of intercourse with foreign nations, for the support of light-houses, beacons, buoys, and public piers, and for satisfying certain miscellaneous claims and expenses; the following sums be, and are hereby appropriated, that is to say:

Specific appropriations

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

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

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

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

For the compensations granted by law to the district attornies, and for defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures, and

Specific ap-
propriations

penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, thirty three thousand four hundred dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

For fire-wood, stationery, office and store rent for the Purveyor, nine hundred and sixteen dollars.

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

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

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

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

Specific ap-
propriations

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

For compensation to the several Loan Officers, thirteen thousand two hundred and fifty dollars.

For the expense incident to the removal of the Loan Office of Pennsylvania from Philadelphia, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the clerks in the said office, three hundred and six dollars.

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

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

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

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

For compensation to the following officers of the Mint :

The Director, two thousand dollars :

The Treasurer, one thousand two hundred dollars : Specific appropriations.

The Assayer, one thousand five hundred dollars :

The Chief Coiner, one thousand five hundred dollars :

The Melter and Refiner, one thousand five hundred dollars :

The Engraver, one thousand two hundred dollars :

One clerk at seven hundred dollars :

And two at five hundred dollars each :

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

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

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

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

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

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

Specific
appropri-
ations.

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

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

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

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

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

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

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

For compensation to the assistant surveyors, chain carriers, axe men and other persons employed, stationery and other contingent ex-

expenses in the Surveyor-General's Department, Specific appropriations. (in addition to former appropriations) two thousand dollars.

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

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

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

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

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

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

Specific
appropri-
ations.

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

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

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

For repairing Charleston light-house, five thousand nine hundred and fifty dollars.

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

For re-building, altering, and improving the light-house at New-London, fifteen thousand seven hundred dollars.

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

For the payment of balances which may be found due to individuals, in consequence of settlements at the Treasury, pursuant to the act of Congress passed on the twelfth day of June, one thousand seven hundred and ninety-eight,

intituled, "An act respecting loan-office and final settlement certificates," &c. twenty-five thousand dollars. Specific appropriations.

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

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

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

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

For the salaries of the commissioners under the seventh article of the said treaty, including

Specific
appropri-
ations.

the contingent expenses, sixteen thousand four hundred and forty-four dollars.

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

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

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

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

How these
appropri-
ations shall
be paid.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 7th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLVIII.

An ACT making appropriations for the military establishment of the United States, in the year one thousand eight hundred.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for defraying the expenses of the military establishment of the United States, for the year one thousand eight hundred, the pay and subsistence of the officers and men, bounties and premiums, the cloathing, hospital, ordnance, quarter-masters and Indian departments, the defensive protection of the frontiers, the contingent expenses of the war department, for the fabrication of cannon and arms, and purchase of ammunition, and for the payment of military pensions, the sum of three millions forty-two thousand five hundred and seventy-six dollars and thirty-five cents be, and is hereby appropriated; that is to say,

Specific appropriations.

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

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

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

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

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

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

Specific
appropri-
ations.

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

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

For the quarter-masters department, the sum of five hundred and twenty-eight thousand and sixty-five dollars.

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

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

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

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

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

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

Sec. 2. *And be it further enacted*, That for the fabrication of cannon and arms, and the purchase of ammunition for the army and navy,

and for the militia of the United States, in addition to the sums unexpended of the appropriations made by the acts of Congress of the fourth of May and first of July seventeen hundred and ninety eight, the sum of two hundred and sixty thousand dollars shall be, and hereby is appropriated.

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

How these appropriations shall be paid.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER XLIX.

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

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirtieth day of June next, the towns of Wells and Arundel, in the state of Massachusetts, and all the shores and waters thereof, shall be a district, to be called the district of Kennebunk, of which the port of Kennebunk shall be the sole port of entry; and the ports of Wells and Cape Porpoise shall be ports of delivery on-

District of Kennebunk.

ly, and a collector for the district shall be appointed to reside at Kennebunk.

Certain
vessels may
unlade at
Edgecomb
and New-
castle.

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

Lyme an-
nexed to
New-Lon-
don.

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

Alteration
of the dis-
trict of
Bermuda
Hundred
and City
Point.

Sec. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the district of Bermuda Hundred and City Point, as at present constituted in the state of Virginia, shall be called the district of Petersburg, to comprehend Petersburg, City Point, and all the waters, shores, bays, harbors, and inlets of James River, from Hood's and the junction of Chichoming to the junction of the James and Appamattox rivers, and from thence to the highest tide-water of Appamattox, and also the Chichoming to its highest tide-water mark; and the port for the said district shall extend from Petersburg to City Point. And another district

shall be formed to be called the district of Richmond, to comprehend Richmond, and Manchester, and Bermuda Hundred, and all the waters, shores, bays, harbors, and inlets of James river from Bermuda Hundred, including the harbor thereof, to the highest tide-water of James River; and the port shall extend from Richmond and Manchester to Bermuda Hundred. The office of collector for the district of Petersburg shall be kept in the town of Petersburg; and a collector shall be appointed for the Richmond district, whose office shall be kept in the city of Richmond; and the surveyors within those two districts shall continue to reside at the places at present established by law.

New district
form.ed.

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

Manifests to
be delivered
to the col-
lector of
Norfolk, by
vessels
bound up
James' river
&c.

he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound.

Repeal of part of the former act.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

Vice-President of the United States, and President of the Senate.

APPROVED—May 10th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER L.

An ACT supplemental to the act, intituled, "An act for an amicable settlement of limits with the state of Georgia; and authorizing the establishment of a government in the Mississippi territory."

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven, and of the act of Congress of the seventh of August, one thousand seven hundred and eighty-nine, providing for the government of the territory of the United States north-west of the river Ohio, as relates to the organiza-

Organiza-
tion of a
general
assembly in
the Missi-
ssippi terri-
tory.

tion of a General Assembly therein, and prescribes the powers thereof, shall forthwith operate, and be in force in the Mississippi territory : *Provided*, That until the number of free male inhabitants of full age, in the said territory, shall amount to five thousand, there shall not be returned to the General Assembly more than nine representatives.

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

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

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

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

Sec. 6. *And be it further enacted*, That so soon as the number of free male inhabitants of full age shall amount to, or exceed five thousand, the number of representatives to the General

Assembly shall be determined, and the apportionment made in the way prescribed in the ordinance.

Saving of the rights of Georgia and of all persons.

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

Time of meeting of the general assembly.

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

Adjournment thereof.

Sec. 9. *And be it further enacted*, That neither House during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The commissioners of the U. S. may finally settle with Georgia by compromise

Sec. 10. *And be it further enacted*, That it shall be lawful for the Commissioners appointed, or who may hereafter be appointed on the part of the United States, in pursuance of the act, intitled, "An act for an amicable settlement of limits with the state of Georgia; and authorizing the establishment of a government in the Mississippi territory," or any two of them, finally to settle by compromise with the Commissioners, which have been or may be appointed by the state of Georgia, any claims mentioned in said act, and to receive in behalf of the United States a cession of any lands therein mentioned,

or of the jurisdiction thereof, on such terms as to them shall appear reasonable: And also, that the said Commissioners on the part of the United States, or any two of them, be authorized to enquire into the claims which are or shall be made by settlers or any other persons whatsoever, to any part of the aforesaid lands, and to receive from such settlers and claimants any propositions of compromise which may be made by them, and lay a full statement of the claims and the propositions which may be made to them by the settlers or claimants to any part of the said lands, together with their opinion thereon, before Congress, for their decision thereon, as soon as may be: *Provided*, That the settlement shall be made and completed before the fourth day of March, one thousand eight hundred and three: *And provided also*, That the said Commissioners shall not contract for the payment of any money from the Treasury of the United States to the state of Georgia, other than the proceeds of the same lands.

They may enquire into the claims of individuals.

Provisoes.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LI.

An ACT in addition to the act, intituled, “ An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.”

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be

Penalty on
citizens
having an
interest in
vessels em-
ployed in
the slave
trade.

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

Penalty on
citizens
serving in
such vessels.

Sec. 2. *And be it further enacted*, That it shall be unlawful for any citizen of the United States, or other person residing therein, to serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another; and any such citizen or other person, voluntarily serving as aforesaid, shall be liable to be indicted therefor, and on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

Sec. 3. *And be it further enacted*, That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall on conviction thereof be liable to, and suffer the like forfeitures, pains, disabilities and penalties as he would have incur-

red, had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

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

Commissioned vessels authorized to seize vessels contrary to the true intent and meaning of this or the former act.

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

District and circuit court to have jurisdiction of offences.

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LII.

An ACT for the relief of Ithamar Canfield.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper officer be, and he is hereby authorized and directed to issue three land warrants, of one hundred acres each, to Ithamar Canfield, assignee to Eliphalet Tomlinson, Jabez Tomlinson, and Abraham Shelly, who served the United States as soldiers, during the revolutionary war, and became entitled to the said lands by virtue of a

resolution of Congress : *Provided*, the transfers and powers of attorney are made out pursuant to the rules in such cases established at the war office.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LIII.

An ACT to provide for equalizing the valuations of unseated lands.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the commissioners appointed under the act, intituled “ An act to provide for the valuation of lands and dwelling houses and the enumeration of slaves within the United States,” in those states the valuations and enumerations whereof are not yet closed and returned to the Treasury department, shall be and hereby are authorized and empowered on examination and consideration, at some general meeting to be convened pursuant to law, of the lists, returns, valuations and abstracts rendered to them by the assessors within their respective states, to revise the valuations of unseated lands in each and every assessment district of their respective states, and in each and every sub-division of such districts respectively, and to vary and adjust the said valuations by adding thereto, or deducting therefrom such rate per centum as to them shall

appear just and reasonable : *Provided always*, That the relative valuations of different tracts of unseated land in the same sub-division shall not be changed or affected.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LIV.

An ACT supplementary to an act, intituled “ An act to establish the compensation of the officers employed in the collection of the duties on impost and tonnage.”

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirtieth day of June next, there shall be allowed and paid annually, to and for the use of the several collectors and surveyors appointed, and to be appointed pursuant to law,

Allowance
to certain
collectors.

and employed in the collection of the duties of imports and tonnage, in the districts hereinafter-mentioned, in addition to their fees and emoluments otherwise allowed by law, the sums following respectively; that is to say: To the collectors of Passamaquody, Waldoborough, and St. Mary's, two hundred and fifty dollars each: To the collectors of Machias, Great Egg Harbour, Little Egg Harbour, Perth Amboy, Bridgetown, Sunbury and Georgetown in Maryland, one hundred dollars each; and to the collectors of Sagg Harbour, Brunswick in Georgia, and Dumfries, fifty dollars each: To the surveyors of Bermuda Hundred, one hundred and fifty dollars; and to the surveyors of Newport, Providence, Port Royal, Alexandria and Saybrook, one hundred dollars each.

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

Sec. 3. *And be it further enacted*, That it shall be the duty of the collectors of the several districts of Philadelphia, New-York, Boston, Baltimore, Norfolk and Charleston, and they are

Commissi-
ons to cer-
tain collec-
tors.

Certain col-
lectors to de-
posit bonds
in bank for
collection.

hereby respectively directed to deposit for collection in the bank of the United States, or at an office of discount and deposit of the said bank, all the bonds taken, or to be taken by them, for duties by virtue of any law of the United States; but on all money collected by the said banks the commissions aforesaid are to be allowed the said collectors in like manner as if received by them.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LV.

An ACT to amend the act, intituled, “ An act providing for the sale of the lands of the United States, in the territory north-west of the Ohio, and above the mouth of Kentucky river.”

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the disposal of the lands of the United States, directed to be sold by the act, intituled, “ An act providing for the sale of the lands of the United States, in the territory north-west of the Ohio, and above the mouth of Kentucky river,” there shall be four land-offices established in the said territory: One at Cincinnati, for lands below the Little Miami which have not heretofore been granted; one at Chilicothe, for lands east of the Sciota, south of the lands appropriated

Four land-offices established, under the direction of Registers.

for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta, for the lands east of the sixteenth range of townships, south of the before-mentioned military lands, and south of a line drawn due west from the north-west corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands: Each of the said offices shall be under the direction of an officer, to be called "The Register of the Land-Office," who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land-office is directed to be kept.

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

Sec. 3. *And be it further enacted*, That the Surveyor-General shall cause the townships west of the Muskingum, which by the above-mentioned act are directed to be sold in quarter townships, to be sub-divided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north,

Surveyor-General to transmit certain plats.

He shall cause certain lines to be run and marked.

at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes, and descriptions, prescribed to surveyors by the above-mentioned act: And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually sub-divided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each: And in all cases where the exterior lines of the townships, thus to be sub-divided into sections or half sections, shall exceed or shall not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity: And the President of the United States shall fix the compensation of the deputy-surveyors, chain-carriers, and axemen: *Provided*, the whole expense of surveying and marking the lines shall not exceed three dollars, for every mile that shall be actually run, surveyed and marked.

Sec. 4. *And be it further enacted*, That the lands thus sub-divided (excluding the sections reserved by the above-mentioned act) shall be

offered for sale in sections and half sections, subdivided as before directed at the following places and times, that is to say; those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April one thousand eight hundred and one, under the direction of the Register of the land-office there established, and of either the Governor or Secretary of the north-western territory: The lands east of Sciota, south of the military lands, and west of the fifteenth range of townships, shall be offered in like manner for sale at Chilicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the Register of the land-office there established, and of either the Governor or Secretary of the said territory: The lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale in like manner at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the Governor or Secretary, or Surveyor-General of the said territory. The sales shall remain open at each place for three weeks and no longer. The superintendants shall observe the rules and regulations of the above-mentioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands, remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the Registers of these respective land-offices, in the manner herein after prescribed; and the Register of the land-office at Steubenville, after the first day of July next, may proceed to sell at private sale, the lands situate within the district assigned to his direction as herein before described, disposing of the same in sections, and

Certain
lands to be
sold.

classing fractional with entire sections, according to the provisions and regulations of the above-mentioned act and of this act: And the Register of the land-office at Marietta, after the said first day of July next, may proceed to sell at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections as aforesaid.

Limitation
of the price,
and mode of
purchase
and payment

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

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

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

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

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

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

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

6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the Register of the land-office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale: And he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land-office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be

returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All monies paid therefor shall be forfeited, and the Register of the land-office may proceed to dispose of the same to any purchaser, as in case of other lands at private sale.

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

Duty of receivers of public monies.

Sec. 6. *And be it further enacted*, That all and every the payments, to be made by virtue of the preceding section, shall be made either to the Treasurer of the United States, or to such person or officer as shall be appointed by the President of the United States, with the advice and consent of the Senate, Receiver of public monies for lands of the United States, at each of the places respectively where the public and private sales of the said lands are to be made; and the said Receiver of public monies shall, before he enters upon the duties of his office, give bond, with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said Treasurer and Receiver of public monies to give receipts for the monies by them received, to the persons respectively paying the same; to transmit within thirty days in case of public sale, and quarterly in case of private sale, an account of all the public monies by them received, specifying the amount received from each person, and distinguishing the sums received for surveying expenses, and those received for purchase money, to the Secretary of the Treasury, and to the Registers of the land-office, as the case may be. The said Receivers of public monies shall, within three months after receiving the same, transmit the monies by them received to the Treasurer of the United States; and the Receivers of public monies for the said sales, and

also the Receivers of public monies for the sales which have taken place at Pittsburg under the act, intituled, "An act providing for the sale of the lands of the United States in the territory north-west of the Ohio, and above the mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe-keeping, and transmitting it to the Treasury of the United States.

Their compensation.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Registers of the land-offices respectively, to receive and enter on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter-mentioned, and produce a receipt from the Treasurer of the United States, or from the Receiver of public monies appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one-twentieth part of the purchase money, stating carefully in each entry the date of the application, the date of the receipt to him produced, the amount of monies specified in the said receipt, and the number of the section or half section, township and range applied for. If two or more persons shall apply at the same time for the said tract, the Register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for monies produced by the party, and give him a copy of his entry, and if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract,

Duty of the Registers of the land offices.

whether the same has already been entered, purchased, or paid for, and at his request to give him a copy of the entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have within that time produced to him a receipt of the payment of one fourth part of the purchase money, including the twentieth part above-mentioned, enter under its proper date, in the said book of entries, that the payment has not been made, and that the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and that if it shall be duly discharged, the purchaser or his assignee or other legal representative, shall be entitled to a patent for the said lands; he shall also upon any subsequent payment being made, and a receipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold either at public or private sale, and in which he shall charge the party for the

whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing to the Secretary of the Treasury, the same final certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns; and all patents shall be countersigned by the Secretary of State, and recorded in his office.

Patents to
be issued.

Sec. 8. *And be it further enacted*, That the Registers of the land-offices respectively, shall also note on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall revert to the United States, on failure of the payment of one fourth part of the purchase money within three months after the date of application. And the said book of surveys or original plat shall be open at all times, in presence of the Register, for the inspection of any individual, applying for the same and paying the proper fee.

Registers to
note the
sales upon
the surveys,
&c.

Sec. 9. *And be it further enacted*, That it shall be the duty of the Registers of the land-offices to transmit quarterly to the Secretary of the Treasury, and to the Surveyor-General, an account of the several tracts applied for, of the several tracts for which the payment of one fourth part of the purchase money has been

Registers to
make cer-
tain quar-
terly returns

made, of the several tracts which have reverted to the United States on failure of the said payment; and also an account of all the payments of monies by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid.

Mode of
making
purchases by
registers.

Sec. 10. *And be it further enacted*, That the Registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other person in trust for them; and if any Register shall wish to purchase any tract of land, he may do it by application in writing to the Surveyor-General, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the same manner which the Registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The Registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract shall bear date from the day, when their application for the same shall have been entered by the Surveyor-General in his own book. And if any person applying for any tract shall, notwithstanding he shall have received information from the Register, that the same has already been applied for by the said Register, or by any other person, insist to make the application, it shall be the duty of the Register to enter the same, noting in the margin that the same tract is already purchased; but upon application of the party made in writing, and which he shall file, he may and shall at

any future time enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: *Provided always*, That the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

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

Secretary of the Treasury may prescribe further regulations.

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

Allowance to the Registers.

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

Allowance
to superin-
tendants of
public sales.

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

Patent fees.

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

Leases of the
reservations
may be gi-
ven by the
Surveyor-
General.

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

Pre-emption
right given
to builders
of mills.

Sec. 16. *And be it further enacted*, That each person who before the passing of this act shall have erected, or begun to erect, a grist-mill or saw-mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: *Provided*, The person or his heirs, claiming such right of pre-emption,

shall produce to the Register of the land-office satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers.

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

Repeal of
part of the
former act.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LVI.

An ACT to ascertain the compensation of public Ministers.

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

to a charge *dés* affairs: nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary.

Sec. 2. *And be it further enacted*, That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be and he hereby is authorized to cause the same to be duly settled, annually, with the accounting officers of the treasury in manner following, that is to say, by causing the same to be accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it adviseable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LVII.

An ACT to make appropriations for the Navy of the United States, during the year one thousand eight hundred.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for defraying

the expenses of the navy of the United States, during the year one thousand eight hundred, there shall be, and hereby is appropriated the sum of two millions, four hundred and eighty-two thousand nine hundred and fifty-three dollars and ninety-nine cents; that is to say, for the pay of the officers of the navy of the United States, the sum of three hundred and ninety-one thousand five hundred and ninety-six dollars; for the subsistence of the officers of the navy, the sum of seventy thousand, seven hundred and twenty-two dollars and forty cents; for the pay of the seamen, the sum of eight hundred and eighteen thousand three hundred and forty dollars; for provisions, the sum of six hundred and three thousand, six hundred and forty-two dollars and sixty-seven cents; for contingent expenses including the waste of military stores, the expense of the navy store at Philadelphia, comprising store-keeper's salary, clerk hire, store rent, labourers, portorage and freight, and for making good deficiencies in former appropriations, and for similar expenses at Boston, Newport, Baltimore, Norfolk, New-York, and other ports, the sum of three hundred and ninety-three thousand six hundred dollars; for the expense of hospitals, medicines and hospital stores, the sum of thirty-two thousand six hundred and forty seven dollars and twenty cents; for the support of the revenue cutters while employed in the navy service, the sum of ten thousand dollars; for the pay of the officers, non-commissioned officers and privates of the marine corps, the sum of ninety four thousand, seven hundred and thirty-four dollars; for subsistence of the officers of the said corps, the sum of eight thousand and eighteen dollars and sixty cents; for cloathing for the said corps the sum of thirty three thousand five hundred

and thirty dollars, and seventy-four cents; for military stores for the said corps, the sum of twelve thousand two hundred and seventy-seven dollars and eighty-eight cents; for the contingent expenses of the said corps, including camp equipage, quarter masters, barrack masters, and hospital stores, and bounties and premiums, the sum of thirteen thousand eight hundred and forty four dollars.

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

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10, A.D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER LVIII.

An ACT supplementary to the act, intituled, "An act to establish the Treasury Department."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Secretary of the Treasury to digest, prepare and lay before Congress at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue and public expenditures, and plans for improving or increasing the revenues, from time to time, for the purpose of giving information

to Congress in adopting modes of raising the money requisite to meet the public expenditures.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 10th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LIX.

An ACT to authorize the issuing certain patents.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States

of America, in Congress assembled, That it shall be lawful, and the proper officer is hereby authorized, to issue patents on surveys, which have been, or may be made within the territory reserved by the state of Virginia, north-west of the river Ohio, and being part of her cession to Congress, on warrants for military services, issued in pursuance of any resolution of the legislature of that state, previous to the passing of this act, in favor of persons who had served in the Virginia line on the continental establishment:

Provided, that the whole quantity of land for which patents shall issue by virtue of this act, shall not exceed sixty thousand acres; and that the surveys aforesaid shall be completed and deposited in the office of the Secretary of War, on or before the first day of December one thousand eight hundred and three: *And provided also*, that this act shall not give any force or validity to the entries, locations or surveys, heretofore made in pursuance of these warrants, so far as such entries, locations, or surveys, inter-

Provision
for satisfy-
ing resolu-
tion war-
rants for
Virginiamil-
itary lands.

fere in any manner with those of persons claiming the same lands under entries, locations, or surveys, heretofore made in pursuance of warrants, granted by the state of Virginia to the officers and soldiers in the line of that state on continental establishment.

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LX.

An ACT to enlarge the powers of the Surveyors of the Revenue.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever it shall appear to the surveyor of the revenue, appointed or to be appointed in any assessment district within the United States, under

the act, intituled " An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," that any tract of land or dwelling-house, situated within his said district, and directed by the said act to be included in the lists, thereby required to be rendered and kept, hath been omitted in the said lists, then and in every such case it shall be the duty of such surveyor, and he hereby is authorized and required to inform himself of the value of such tract of land or dwelling-house, by entry, view, or other lawful ways and means, and to make a list and valuation thereof, in the form and manner prescribed in and by the said act, and to enter and record the said list and valuation with and among the lists and valuations by him to be kept and recorded pursuant to the said act; and to charge the amount of the said valuation to the person or persons to whom the same ought to be charged, pursuant to the said act and to the act, intituled, " An act to lay and collect a direct tax within the United States;" and that where any assessor, no list having been rendered, shall have estimated any tract of unseated land, to contain a greater number of acres than the said tract shall by the patent or survey of the same actually appear to contain, it shall appear to the surveyor of the assessment district in which the said land shall be situate, by the production of the said patent or survey thereof, that there has been a mistake in estimating the said number of acres, it shall be lawful for such surveyor to credit the proprietor or proprietors thereof with the number of acres so overcharged: *Provided*, That the said credit shall not operate to lessen the sum directed to be collected by virtue of the present law to lay

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

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

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

and collect a direct tax: *And provided also*, That no credit shall be valid until the same shall have been approved by the inspector of the survey, or the supervisor of the district, if comprehending but one survey of inspection; and if any error has happened, by charging any person with being the proprietor of any tract or parcel of unseated land, who was not the owner thereof on the first day of October one thousand seven hundred and ninety-eight, or by assessing to any person any tract or parcel of unseated land more than once as proprietor thereof, it shall be lawful in all or any of these cases, for the surveyor of the district in which the said error shall have happened, to correct the same by giving the person so charged such credit in his account respecting the said land as may be just and equitable.

Allowance to the surveyors of the revenue.

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

Sec. 3. *And be it further enacted*, That whenever any person shall have been charged, pur-

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States of America.

CHAPTER LXI.

An ACT to amend an act, intituled "An act to establish the Judicial Courts of the United States."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That jurors to serve in the

courts of the United States shall be designated by lot, or otherwise, in each state or district respectively, according to the mode of forming juries to serve in the highest courts of law therein now practised; so far as the same shall render such designation practicable by the courts and marshals of the United States.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

Vice-President of the United States, and

President of the Senate.

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXII.

An ACT to appropriate a certain sum of money to defray the expense of holding a treaty or treaties with the Indians.

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

rate of eight dollars per day during the time of actual service of such commissioner.

Sec. 2. *And be it further enacted*, That the sum afore-said shall be paid out of any monies in the Treasury of the United States, not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXIII.

An ACT directing the payment of a detachment of the militia under the command of major Thomas Johnson, in the year one thousand seven hundred and ninety-four.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXIV.

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

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS, *President of the United States,*

CHAPTER LXV.

An ACT to authorize certain expenditures, and to make certain appropriations for the year one thousand eight hundred.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Senate, and the Clerk of the House of Representatives, respectively, shall have allowed to them, in the settlement of their accounts with the Treasury Department, the expenses by them respectively incurred, pursuant to the directions of the joint committee of the two Houses, in the various measures adopted by the said committee for doing honor to the memory of George Washington, late President of the United States; and that a sum not exceeding three thousand two hundred dollars shall be and hereby is appropriated for defraying the said expenses.

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

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

Presents to the Choctaw Indians.

Sec. 3. *And be it further enacted*. That the President of the United States shall be, and hereby is authorized and empowered to cause to be expended a sum not exceeding five thousand dollars, for the reimbursement of such reasonable advances of money as have heretofore been, or before the first day of September next may be made by consuls of the United States,

Reimbursement for advances for claims to captured property.

in making and supporting the claims of American citizens for captured property, before the tribunals of foreign countries; and that the sum of five thousand dollars shall be and hereby is appropriated for that purpose.

Various ap-
propriations

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

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

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

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

Sec. 8. *And be it further enacted*, That for defraying, during the present year, the expense incident to the establishment of the government of the Indiana Territory, including the salary of the governor, judges, and secretary, and all

contingent expenses. the sum of four thousand dollars shall be and hereby is appropriated. Various appropriations.

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

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

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXVI.

An ACT to lay additional duties on certain articles imported.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles herein after enumerated, shall be laid, levied, and collected Additional duties on sugar, molasses and such articles as have paid ten per cent.

upon those articles respectively, at their importation into the United States from any foreign port or place, that is to say; upon all brown sugar, one half cent per pound; upon all sugar candy, two cents and one half per pound; upon all molasses, one cent per gallon; and upon all goods, wares, and merchandizes now paying a duty of ten per centum ad valorem, two and one half per centum ad valorem.

Duties on
wines.

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

Additional
duty on such
articles im-
ported in fo-
reign vessels.

Sec. 3. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandises as aforesaid, as shall after the said

thirtieth day of June be imported in ships or vessels not of the United States.

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

How the duties are to be collected.

Sec. 5. *And be it further enacted*, That on account of the additional duties laid on brown sugar and molasses by this act, the following sums respectively shall, from and after the thirty-first day of December next, be added to the drawbacks now allowed by law, on sugar refined within the United States and exported therefrom, and on spirits distilled from molasses within the United States and exported therefrom, that is to say: On all sugar so refined and exported, one cent per pound; and on all spirits so distilled and exported, one cent per gallon; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

Additional drawback on sugar refined, and spirits distilled from molasses, in the United States.

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

Appropriation of the proceeds of these duties.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13th, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXVII.

An ACT appointing the time, and directing the place of 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 the session of Congress next ensuing the present shall be held at the city of Washington, in the district of Columbia, and said session shall commence on the third Monday of November, one thousand eight hundred.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXVIII.

An ACT to make provision relative to rations for Indians, and to their visits to the seat of government.

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

Sec. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is further authorized and empowered to cause to be defrayed, on the part of the United States, the reasonable expenses of such Indians as may from time to time visit the seat of government thereof, for their journies to, stay at, and return from the same; and also to cause to be given to such Indians, during their stay as aforesaid, such presents as he shall judge necessary.

Sec. 3. *And be it further enacted*, That a separate account of all rations issued, and expenses defrayed as aforesaid, and of the expenditures, occasioned by such presents as are aforesaid, shall be kept at the Department of War.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—May 13, A. D. 1800.

JOHN ADAMS,

President of the United States.

CHAPTER LXIX.

An ACT supplementary to the act to suspend part of an act, intituled, “ An act to augment the army of the United States, and for other purposes.”

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be lawful for the President of the United States to suspend any further military appointments, under the act to augment the army of the United States, and for other purposes; and under the ninth section of the act for the better orga-

Further appointments may be suspended.

nizing of the troops of the United States, and for other purposes; according to his discretion, having reference to œconomy and the good of the service.

Officers and men may be discharged.

Exceptions.

Sec. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to discharge, on or before the fifteenth day of June next, all such officers, non-commissioned officers and privates, as have heretofore been appointed, commissioned, or raised, under and by virtue of the said acts, or either of them, except the engineers, inspector of artillery, and inspector of fortifications. *Provided always*, That nothing in this act contained shall be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillery and engineers, the two troops of light dragoons, or of the general and other staff, authorized by the several laws for the establishing and organizing of the aforesaid corps.

Three months extra pay allowed.

Sec. 3. *And be it further enacted*, That to each officer, non commissioned officer, and private, who shall be discharged from service by virtue of this act, there shall be allowed and paid, in addition to the pay and allowances to which they are now entitled by law, a sum of money equal to three months pay of such officer, non-commissioned officer and private respectively.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

URIAH TRACEY,
President of the Senate, pro tempore.

APPROVED—May 14, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER LXX.

An ACT supplementary to the act establishing the Mint, and regulating the coins of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That until the fourth day of March one thousand eight hundred and one, the Mint shall remain in the city of Philadelphia, and be carried on as heretofore under the laws now in force; any law to the contrary notwithstanding.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

URIAH TRACEY,
President of the Senate, pro tempore.

APPROVED—May 14, A. D. 1800.

JOHN ADAMS,
President of the United States.

CHAPTER LXXI.

An ACT to make further provision for the children of colonel John Harding, and major Alexander Trueman, deceased.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be annually paid to the guardians respectively of the sons and daughters of the late colonel John Harding, deceased, and to the guardian of the daughter of the late major Alexander Trueman, deceased, for each son and daughter aforesaid, the sum of one hundred dollars, until they shall have respectively attained the age of twenty-one years, to be applied by the said several

guardians to the suitable education of the said sons, and to the use of the said daughters.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

URIAH TRACEY,

President of the Senate, pro tempore.

APPROVED—May 14, A. D. 1800.

JOHN ADAMS,

President of the United States.

Relative to
the death of
general Washington.

RESOLVED *by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a marble monument be erected by the United States, in the Capitol, at the city of Washington, and that the family of general Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life.

And be it further resolved, That there be a funeral procession from Congress Hall to the German Lutheran Church, in honor of the memory of general George Washington, on Thursday the twenty-sixth instant, and that an oration be prepared at the request of Congress to be delivered before both Houses on that day; and that the President of the Senate, and Speaker of the House of Representatives, be desired to request one of the members of Congress to prepare and deliver the same.

And be it further resolved, That it be recommended to the people of the United States to wear crape on the left arm as mourning, for thirty days.

And be it further resolved, That the President of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence on the late afflicting dispensation of Providence; and intreating her assent to the interment of the remains of general George Washington, in the manner expressed in the first resolution.

And be it further resolved, That the President of the United States be requested to issue a proclamation, notifying to the people throughout the United States the recommendation contained in the third resolution.

THEODORE SEDGWICK, .

Speaker of the House of Representatives.

SAMUEL LIVERMORE,

President of the Senate, pro tempore.

APPROVED—December 24, 1799.

JOHN ADAMS,

President of the United States.

RESOLVED *by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it be recommended to the people of the United States to assemble on the twenty-second day of February next, in such numbers and manner as may be convenient, publicly to testify their grief for the death of general George Washington, by suitable eulogies, orations and discourses, or by public prayers.

Relative to
the death of
general Washington.

And it is further resolved, That the President be requested to issue a proclamation for the

purpose of carrying the foregoing resolution into effect.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 6, 1800.

JOHN ADAMS,
President of the United States.

Laws for N.
Carolina.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of State be, and he is hereby authorized and directed to procure and transmit to the governor of the state of North-Carolina, a number of the copies of the laws of the United States, equal to the number which the Secretary was heretofore authorized to transmit to the governor of the said state by an act, intituled, “An act for the more general promulgation of the laws of the United States,” to be deposited and distributed agreeably to the provisions of the said act, for the use and information of the citizens of the United States within the said state.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 3, 1800.

JOHN ADAMS,
President of the United States.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be requested to present to captain Thomas Truxton, a golden Medal, emblematical of the late action between the United States' frigate Constellation, of thirty-eight guns, and the French ship of war La Vengeance, of fifty-four; in testimony of the high sense entertained by Congress of his gallantry and good conduct in the above engagement, wherein an example was exhibited by the captain, officers, sailors, and marines, honorable to the American name, and instructive to its rising navy.

In honor of
Capt. Truxton,
&c.

And it is further resolved, That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—March 29, 1800.

JOHN ADAMS,

President of the United States.

*Resolution respecting the copper mines on the south
side of Lake Superior.*

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be authorized to employ an agent, who shall be instructed to collect all material information relative to the copper

Copper
mines on
Lake Super-
rior.

mines on the south side of Lake Superior, and to ascertain whether the Indian title to such lands as might be required for the use of the United States, in case they should deem it expedient to work the said mines, be yet subsisting, and if so, the terms on which the same can be extinguished: And that the said agent be instructed to make report to the President in such time, as the information he may collect may be laid before Congress at their next session.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—April 16, 1800.

JOHN ADAMS,

President of the United States.

Treaty of Peace and Friendship.

BETWEEN THE
 UNITED STATES OF AMERICA,
 AND THE
 KINGDOM OF TUNIS.

(TRANSLATION.)

GOD IS INFINITE.

UNDER the auspices of the greatest, the most powerful of all the Princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious, son of the Sultan Moustafa, whose realm may God prosper until the end of ages, the support of Kings, the seal of Justice, the Emperor of Emperors.

The most illustrious and most magnificent Prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the most honored Ibrahim Dey, and Soliman, aga of the Janissaries, and chief of the Divan, and all the elders of the Odgiak; and the most distinguished and honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles

of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, chargé d'affaires of the United States of America; which stipulations and conditions are comprized in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

Peace and
friendship.

ART. I. There shall be a perpetual and constant peace between the United States of America, and the magnificent Pacha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

Restoration
of subjects
and goods
found in an
enemy's
vessel.

ART. II. If a vessel of war of the two nations shall make prize of an enemy vessel, in which may be found effects, property and subjects of the two contracting parties, the whole shall be restored: The Bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration; it being understood on both sides, that the just right to what is claimed shall be proved.

Enemies
goods on
board a ves-
sel of the
parties to be
free.

ART. III. Merchandize belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

Passports to
be given.

ART. IV. On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document (which

at Tunis is called *testa*) but after the said term the congé shall be presented.

ART. V. If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited and to avoid quarantine: The American ships of war shall act in like manner towards merchant vessels escorted by the corsairs of Tunis.

Commander of a convey to be believed upon his word in order to exempt it from search and quarantine.

ART. VI. If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact any thing, under pain of being severely punished: And in like manner if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored: But if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

Nothing to be exacted for visits.

Fugitive slaves and prisoners.

ART. VII. An American citizen having purchased a prize-vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year; by force of which our corsairs which may meet with her shall respect her; the consul on his part shall furnish her with a bill of sale; and considering the distance of the two countries, this term shall suffice to obtain

Prize vessels purchased at Tunis, how to obtain temporary passports.

a passport in form: But after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Hospitality
to be granted
to vessels
entering the
ports of the
parties.

ART. VIII. If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price-current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload, and re-load her cargo without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

Assistance to
be granted
to wrecked
vessels.

ART. IX. If by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked, or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

Neutrality
of ports to
be enforced.

ART. X. In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighbouring port, for forty-eight hours after her departure.

ART. XI. When a vessel of war of the United States of America shall enter the port of Tunis, and the consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said consul does not want a salute, there shall be no question about it. Salutes.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

ART. XII. When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner. Privileges of merchants.

If any Tunisian subject shall freight an American vessel and load her with merchandize, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision, the determination shall be conformed to. Tunisian subject freighting an American vessel, &c.

No captain shall be detained in port against Embargoes.

his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

Protection
of the sub-
jects of the
parties.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the Chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

Government
of Tunis
may freight
American
vessels.

In case the government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the government, and the captain shall not refuse it.

Enemy's
subjects on
board the
vessels of the
parties,—in
what case
they shall be
made slaves.

ART. XIII. If among the crews of merchant vessels of the United States, there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Duties to be
reciprocally
paid.

ART. XIV. A Tunifian merchant, who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunifians pay in America.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay six per cent. duty: In like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

ART. XV. It shall be free for the citizens of the United States to carry on what commerce they please in the kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles: And if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains and failors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board of his vessel, nor to unlade the same against his will, until the freight shall be paid.

Liberty of commerce, contraband excepted.

Privilege of masters of vessels.

ART. XVI. The merchant vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: Seventeen piafters and an half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Duty of anchorage.

Right of
having a
Consul, and
his privi-
leges.

ART. XVII. Each of the contracting parties shall be at liberty to establish a consul in the dependencies of the other; and if such consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the government: And he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise (which it shall be lawful for him to do) he shall pay duty for it.

No respon-
sibility for
subjects
contracting
debts, &c.

ART. XVIII. If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the consul nor the nation, nor any subjects or citizens thereof shall be in any manner responsible, except they or the consul shall have previously become bound in writing: And without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

Administra-
tion of the
effects of a
decedant.

ART. XIX. In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the consul or the vekil shall take possession of his effects, (if he does not leave a will) of which he shall make an inventory; and the government of the place shall have nothing to do therewith. And if there shall be no consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

ART. XX. The consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions, it shall be granted to him.

Consul's jurisdiction over his countrymen

ART. XXI. If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The consul shall be present at the trial; but if any offender shall escape, the consul shall be in no manner responsible for it.

Punishment of personal assaults, committed by the subjects of one party upon those of the other.

ART. XXII. If a dispute or law-suit on commercial or other civil matters shall happen, the trial shall be had in the presence of the consul, or of a confidential person of his choice, who shall represent him, and endeavour to accommodate the difference which may have happened between the citizens or subjects of the two nations.

Trial of disputes on civil matters between them.

ART. XXIII. If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

In case of national differences, accommodation to be attempted before recourse is had to arms.

The agreements and terms above concluded by the two contracting parties, shall be punctually observed with the will of the Most High: And for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August, of the Christian year one thousand seven hundred and ninety-seven.

The Aga SOLIMAN'S Signature and (Seal.)	IBRAHIM DEY'S Signature and (Seal.)	The Bey's Signature and (Seal.)
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WHEREAS the PRESIDENT of the United States of America, by his letters patent, under his signature and the seal of State, dated the eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and James Leander Cathcart, or any two of them in the absence of the third, with full powers to confer, negotiate and conclude with the Bey and Regency of Tunis, on certain alterations in the treaty between the United States and the government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety seven, We, the underwritten William Eaton

and James Leander Cathcart (Richard O'Brien being absent) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty with said alterations, reserving the same nevertheless for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

In testimony whereof we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the Christian era one thousand seven hundred and ninety nine, and of American independence the twenty third.

(Signed) WILLIAM EATON,

JAMES LEANDER CATHCART.

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7-11-78
7-11-78

A C T S

PASSED AT THE
SECOND SESSION
OF THE
SIXTH CONGRESS
OF THE
UNITED STATES.



SIXTH CONGRESS

OF THE

UNITED STATES,

At the second session, begun and held at the City of Washington, in the Territory of Columbia, on Monday the 17th of November, 1800.

CHAPTER LXXII.

An ACT extending the privilege of franking letters to the delegate from the Territory of the United States, north-west of the river Ohio; and making provision for his compensation.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the present delegate to Congress from the Territory of the United States, north-west of the river Ohio, and every future delegate from the said Territory, shall be entitled to the privilege of sending and receiving letters, free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the Act intituled "An act to establish the post-office of the United States." Privilege of franking letters.

Sec. 2. *And be it further enacted,* That the present delegate from the aforesaid Territory be authorized to receive, free of postage, under the said restrictions, any letters directed to him, and which shall have arrived at the seat of government, prior to the passage of this act.

Sec. 3. *And be it further enacted,* That the said delegate, and every future delegate from the Territory of the United States, north-west of the river Ohio, shall receive for his travel- Compensation.

ling expenses and attendance in Congress, the same compensation as is, or may be allowed, by law, to the members of the House of Representatives of the United States; to be certified and paid in the same manner.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States and
President of the Senate.*

Washington, December 15th, A. D. 1800.

APPROVED.

JOHN ADAMS,

President of the United States.

CHAPTER LXXIII.

An ACT for the relief of Solomon Boston.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Solomon Boston, now confined in the public gaol of Kent County in the State of Delaware, be released and discharged, and he hereby is released and discharged from all claim and demand of the United States, to a certain judgment, for a penalty of one thousand dollars recovered at their suit in the District Court of the District of Delaware; saving and reserving, nevertheless, the right and interest which belongs to any third person, if any such exist

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 30, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXIV.

An ACT to provide for the erection and support of a Light House on Cape Poge, at the north-easterly part of Martha's Vineyard.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient light-house to be erected on Cape Poge (so called) on Martha's Vineyard, in the state of Massachusetts, and to appoint a keeper, and otherwise to provide for the support of such light-house at the expence of the United States; *Provided*, that sufficient land for the accommodation of such light-house, together with the jurisdiction thereof, shall be duly and legally granted to, and vested in the United States.

Sec. 2. *And be it further enacted*, That there shall be, and hereby is appropriated for the erection of said light-house on Cape Poge, a sum not exceeding two thousand dollars, to be paid out of any monies which may be in the Treasury of the United States, not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—January 30, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXV.

An ACT to provide for the more convenient organization of the courts of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the next session of the Supreme Court of the United States, the said court shall be holden by the justices thereof, or any four of them, at the city of Washington, and shall have two sessions in each and every year thereafter, to commence on the first Monday of June and December respectively; and that if four of the said justices shall not attend within ten days after the times hereby appointed for the commencement of the said sessions respectively, the said court shall be continued over till the next stated session thereof. *Provided always,* That any one or more of the said justices, attending as aforesaid, shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceeding, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings.

Sec. 2. *And be it further enacted,* That the said court shall have power, and is hereby authorized, to issue writs of prohibition, mandamus, scire-facias, habeas corpus, certiorari, procedendo, and all other writs not specially provided for by statute, which may be necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law.

Sec. 3. *And be it further enacted,* That from and after the next vacancy that shall happen in the said court, it shall consist of five justi-

Terms of the
Supreme
Court.

It shall have
power to is-
sue certain
writs.

Number of
Judges.

ces only ; that is to say, of one chief justice, and four associate justices.

Sec. 4. *And be it further enacted,* That for the better establishment of the circuit courts of the United States, the said states shall be, and hereby are divided into districts, in manner following ; that is to say : one to consist of that part of the state of Massachusetts, which is called the district of Maine, and to be called the district of Maine ; one to consist of the state of New-Hampshire, and to be called the district of New Hampshire ; one to consist of the remaining part of the state of Massachusetts, and to be called the district of Massachusetts ; one to consist of the state of Rhode-Island and Providence Plantations, and to be called the district of Rhode-Island ; one to consist of the state of Connecticut, and to be called the district of Connecticut ; one to consist of the state of Vermont, and to be called the district of Vermont ; one to consist of that part of the state of New-York which lies north of the counties of Dutchess and Ulster, and to be called the district of Albany ; one to consist of the remaining part of the state of New-York, and to be called the district of New-York ; one to consist of the state of New-Jersey, and to be called the district of Jersey ; one to consist of that part of the state of Pennsylvania which lies east of the river Susquehanna, and the north-east branch thereof, to the line betwixt Northumberland and Luzerne Counties ; thence westwardly along said line, betwixt Northumberland and Luzerne, and betwixt Luzerne and Lycoming counties, until the same strikes the line of the state of New-York, and to be called the Eastern district of Pennsylvania ; one to consist of the remaining part of the state of

Division of
the states in-
to districts in
relation to
the Circuit
Courts.

Pennsylvania, and to be called the Western district of Pennsylvania; one to consist of the state of Delaware, and to be called the district of Delaware; one to consist of the state of Maryland, and to be called the district of Maryland; one to consist of that part of the state of Virginia, which lies to the eastward of a line to be drawn from the river Potomac at Harper's ferry, along the Blue-Ridge, with the line which divides the counties on the east side thereof from those on the west side thereof, to the North-Carolina line, to be called the eastern district of Virginia; one to consist of the remaining part of the said state of Virginia, to be called the western district of Virginia; one to consist of the state of North-Carolina, and to be called the district of North-Carolina; one to consist of the state of South-Carolina, and to be called the district of South-Carolina; one to consist of the state of Georgia, and to be called the district of Georgia; one to consist of that part of the state of Tennessee which lies on the east side of Cumberland mountain, and to be called the district of East Tennessee; one to consist of the remaining part of said state, and to be called the district of West Tennessee; one to consist of the state of Kentucky, and to be called the district of Kentucky; and one to consist of the territory of the United States north-west of the Ohio, and the Indiana territory, and to be called the district of Ohio.

Sec. 5. *And be it further enacted,* That where any two adjoining districts of the United States shall be divided from each other, in whole or in part, by any river, bay, water, water course or mountain, the whole width of such river, bay, water, water course or mountain, as the case may be, shall be taken and deem-

Waters and mountains to be considered as within both the

ed, to all intents and purposes, to be within adjoining dis-
both of the districts so to be divided thereby. tricts.

Sec. 6. *And be it further enacted*, That the said districts shall be classed into six circuits in manner following; that is to say: the first circuit shall consist of the districts of Maine, New-Hampshire, Massachusetts, and Rhode-Island; the second, of the districts of Connecticut, Vermont, Albany and New-York; the third, of the districts of Jersey, the Eastern and Western districts of Pennsylvania and Delaware; the fourth, of the districts of Maryland, and the Eastern and Western districts of Virginia; the fifth, of the districts of North-Carolina, South-Carolina and Georgia; and the sixth, of the districts of East Tennessee, West Tennessee, Kentucky, and Ohio.

Classification of the districts into circuits.

Sec. 7. *And be it further enacted*, That there shall be in each of the aforesaid circuits, except the sixth circuit, three judges of the United States, to be called circuit judges, one of whom shall be commissioned as Chief Judge; and that there shall be a circuit court of the United States, in and for each of the aforesaid circuits, to be composed of the circuit judges within the five first circuits respectively, and in the sixth circuit, by a circuit judge, and the judges of the district courts of Kentucky and Tennessee; the duty of all of whom it shall be to attend, but any two of whom shall form a quorum; and that each and every of the said circuit courts shall hold two sessions annually, at the times and places following, in and for each district contained within their several circuits respectively; that is to say, the circuit court of the first circuit, at Providence, on the eighth day of May, and at New-Port, on the first day of November, in and for the district of

Judges to be appointed for the circuits.

Times of holding the circuit courts.

Times of
holding the
circuit courts.

Rhode-Island ; at Boston, in and for the district of Massachusetts, on the twenty-second day of May and fifteenth day of October ; at Portsmouth on the eighth day of June, and at Exeter on the twenty-ninth day of September, in and for the district of New Hampshire ; in and for the district of Maine, at Portland on the fifteenth day of June, and at Wiscasset on the twenty-second day of September. The circuit court of the second circuit, at New-Haven on the fifteenth day of April ; and at Hartford, on the twenty-fifth day of September, in and for the district of Connecticut ; at Windsor, on the fifth day of May, and at Rutland on the fifteenth day of October, in and for the district of Vermont ; at the city of Albany, in and for the district of Albany, on the twentieth day of May and twenty-fifth day of October ; at the city of New-York, in and for the district of New-York on the fifth day of June and the tenth day of November. The circuit court of the third circuit, at Trenton, in and for the district of Jersey, on the second days of May and October ; at the city of Philadelphia, in and for the Eastern district of Pennsylvania, on the eleventh day of May and eleventh day of October ; at Bedford, in and for the Western district of Pennsylvania, on the twenty fifth day of June and twenty fifth day of November ; and at Dover, in and for the district of Delaware, on the third day of June and twenty-seventh day of October. The circuit court of the fourth circuit, at Baltimore, in and for the district of Maryland, on the twentieth day of March and fifth day of November ; at Lexington in Rock-bridge county, in and for the Western district of Virginia, on the fifth day of April and twentieth day of November ; and at the city of Richmond,

in and for the Eastern district of Virginia, on the twenty fifth day of April, and fifth day of December. The circuit court of the fifth circuit, at Raleigh, in and for the district of North Carolina, on the first day of June and first day of November; at Charleston on the sixth day of May, and at Columbia on the thirtieth day of November, in and for the district of South-Carolina; at Savannah on the tenth day of April, and at Augusta, on the fifteenth day of December, in and for the district of Georgia; and the circuit court of the sixth circuit at Knoxville, in and for the district of East Tennessee, on the twenty fifth day of March and twenty fifth day of September; at Nashville, in and for the district of West Tennessee, on the twentieth day of April and twentieth day of October; and at Bardstown, in and for the district of Kentucky, on the fifteenth day of May and fifteenth day of November; and at Cincinnati in and for the district of Ohio, on the tenth day of June and on the tenth day of December; and so on the several days and at the several places aforesaid, in each and every year afterwards; *Provided always*, That when any of the said days shall happen on Sunday, then the said court hereby directed to be holden on such day, shall be holden on the next day thereafter; and provided also, that there shall be appointed, in the sixth circuit, a judge of the United States, to be called a circuit judge, who together with the district judges of Tennessee and Kentucky, shall hold the circuit courts, hereby directed to be holden, within the said circuit; and that whenever the office of district judge, in the districts of Kentucky and Tennessee respectively, shall become vacant, such vacancies shall respectively be supplied by

the appointment of two additional circuit judges, in the said circuit, who, together with the circuit judge first aforesaid, shall compose the circuit court of the said circuit.

Sec. 8. *Provided always, and be it further enacted,* That the said circuit courts hereby established shall have power, and hereby are authorized, to hold special sessions, for the trial of criminal causes, at any other time or times than is hereby directed, at their discretion.

Sec. 9. *And provided also, and be it further enacted,* That if in the opinion of any judge of any of the said circuit courts, it shall be dangerous to hold the next stated session of such court, for any district within the circuit to which such judge shall belong, at the place by law appointed for holding the same; it shall be lawful for such judge to issue his order, under his hand and seal, to the marshal of such court, directing him to adjourn the said session, to such other place within the same district as the said judge shall deem convenient; which said marshal shall, thereupon, adjourn the said court pursuant to such order, by making, in one or more public papers, printed within the said district, publication of such order and adjournment, from the time when he shall receive such order, to the time appointed by law for commencing such stated session; And that the court to to be held, according to, and by virtue of such adjournment, shall have the same powers and authorities, and shall proceed in the same manner, as if the same had been held at the place appointed by law for that purpose.

Sec. 10. *And be it further enacted,* That the circuit courts shall have, and hereby are invested with, all the powers heretofore granted

The circuit courts may hold special sessions.

A judge of the circuit court may alter the place of its meeting.

General powers of the circuit courts.

by law to the circuit courts of the United States, unless where otherwise provided by this act.

Sec. 11. *And be it further enacted*, That the said circuit courts respectively shall have cognizance of all crimes and offences cognizable under the authority of the United States, and committed within their respective districts, or upon the high seas; and also of all cases in law or equity, arising under the constitution and laws of the United States, and treaties made, or which shall be made, under their authority; and also of all actions, or suits of a civil nature, at common law, or in equity, where the United States shall be plaintiffs or complainants; and also of all seizures on land or water, and all penalties and forfeitures, made, arising or accruing, under the laws of the United States; which cognizance of all penalties and forfeitures shall be exclusively of the state courts, in the said circuit courts, where the offence, by which the penalty or forfeiture is incurred, shall have been committed within fifty miles of the place of holding the said courts; and also of all actions, or suits, matters or things cognizable by the judicial authority of the United States, under and by virtue of the constitution thereof, where the matter in dispute shall amount to four hundred dollars, and where original jurisdiction is not given by the constitution of the United States to the supreme court thereof, or exclusive jurisdiction by law to the district courts of the United States: *Provided always*, that in all cases where the title, or bounds of land shall come into question, the jurisdiction of the said circuit courts shall not be restrained, by reason of the value of the land in dispute.

Subjects of
the cogni-
zance of the
circuit courts.

Circuit courts
and judg-
es to have
cognizance
under the
bankrupt law.

Sec. 12. *And be it further enacted*, That the said circuit courts respectively shall have cognizance concurrently with the district courts, of all cases which shall arise, within their respective circuits, under the act to establish a uniform system of bankruptcy throughout the United States; and that each circuit judge, within his respective circuit, shall and may perform all and singular the duties enjoined by the said act, upon a judge of a district court: And that the proceedings under a commission of bankruptcy, which shall issue from a circuit judge, shall in all respects be conformable to the proceedings under a commission of bankruptcy, which shall issue from a district judge, mutatis mutandis.

Certain suits
may be re-
moved from
the state
courts.

Sec. 13. *And be it further enacted*, That where any action or suit shall be, or shall have been commenced, in any state court within the United States, against an alien, or by a citizen or citizens of the state in which such suit or action shall be, or shall have been commenced against a citizen or citizens of another state, and the matter in dispute, except in cases where the title or bounds of land shall be in question, shall exceed the sum or value of four hundred dollars, exclusive of costs, and the defendant or defendants in such suit or action shall be personally served with the original process therein, or shall appear thereto; or where, in any suit or action, so commenced or to be commenced, final judgment, for a sum exceeding four hundred dollars, exclusive of costs, shall have been rendered in such state court, against such defendant or defendants, without return of personal service on him, her, or them, of the original process in such suit or action, and without an appearance thereto, by

him, her, or them, and a writ of error, or writ of review, shall be brought by such defendant or defendants, in such state court, to reverse the said judgment; or where any suit or action shall have been, or shall be commenced in any such court, against any person or persons, in any case arising under the constitution or laws of the United States, or treaties made or to be made under their authority; then, and in any of the said cases, it shall be lawful for the defendant or defendants, in such suit or action, at the time of entering his, her, or their appearance thereto, and for the plaintiff, or plaintiffs in such writ of error, or writ of review, at the time when such writ shall be returnable, to file in such court a petition for the removal of such suit, action, writ of error, or writ of review, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden, and to offer to such state court, good and sufficient surety for entering, in such circuit court, on the first day of its next ensuing session, true copies of the process and proceedings, in such action, suit, writ of error, or writ of review, and also for his, her, or their appearance in the said circuit court, at the period aforesaid, and then and there entering special bail, in the said suit, or action, if special bail was originally demandable, and demanded therein; whereupon it shall be the duty of the said state court to accept the said security, and to stay all further proceedings in such suit, action, writ of error, or writ of review, and to discharge any bail that may have been given therein; and that the said copies being filed as aforesaid in such circuit court, and special bail, in manner a-

Certain suits
may be re-
moved from
the state
courts.

fore said, being given therein, such suit, action, writ of error, or writ of review, shall be therein proceeded on, tried, heard and determined, in the same manner as if there originally commenced or brought: *Provided always*, That any attachment of the goods or estate of the defendant, by the original process in such suit or action, shall hold the goods or estate so attached, to answer the final judgment in the said circuit court, in the same manner as by the laws of the state they would have been holden, to answer the final judgment, had it been rendered by the court, in which the suit or action was commenced.

Sec. 14 *And be it further enacted*, That when any suit or action, commenced, or to be commenced, in any state court within the United States, between citizens of the same state, the title or bounds of land shall come into question, it shall be lawful for either party, before trial, to state to the said court, and make affidavit if thereby required, that he, she, or they, doth or do claim under, and at the hearing or trial shall rely upon a right or title to the lands in dispute, under a grant, or grants, from a state other than that wherein such suit or action is, or shall be pending; and to produce to the said court the original grant, or grants, so claimed under, or exemplifications thereof, except in cases where the loss of public records shall put it out of his, her or their power so to do; and to move that the adverse party do inform the said court, forthwith, whether he, she, or they, doth or do claim the land in dispute, under a grant or grants from the state wherein such suit or action is, or shall be pending; whereupon the said adverse party shall give such information, or otherwise not

be allowed to plead, or give in evidence, in the cause any such grant; and that if it shall appear from such information, that the said adverse party doth claim the said lands, under any such grant, or grants, then it shall be lawful for the party moving for such information, if plaintiff or complainant in the said suit or action, to remove the same, by motion, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden; and if defendant in the said suit or action, then to remove the same, as aforesaid, in the same manner, and under the like regulations, terms, and conditions, as are provided in and by the preceding section of this act, in the cases of actions thereby directed to be removed; and that the said circuit courts respectively, into which such suit, or action, shall be removed, pursuant to the provisions in this section contained, shall proceed in, try, hear and determine the same, in like manner as if therein brought by original process: *Provided always*, That neither party, so removing any suit or action, shall be allowed, on the trial or hearing thereof, to plead, give evidence of, or rely on, any other title than that by him, her, or them, so stated as aforesaid, as the ground of his, her, or their claim.

Sec. 15. *And be it further enacted*, That any one judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, to hold the same from day to day, not exceeding five days, to impanel and charge the grand jury, to order process on any indictment or presentment found in the said court; to direct subpoenas for witnesses to attend the same, and the requisite process on the non-attendance of

One judge of the circuit court may hold the court for five days and do certain acts therein.

witnesses or jurors; to receive any presentment or indictment from the grand jury; to take recognizance for the attendance of any witness, or for the appearance of any person, presented or indicted; to award and issue process, and order commitment for contempts; to commit any person presented or indicted, for want of security or otherwise; to order publication of testimony; to issue commissions for the examination of witnesses, where allowable by law; to grant rules and orders of survey; to take order, where necessary, relative to jurors, to serve at the next stated session of the said court; to direct the examination of witnesses de bene esse, where allowed by law; to make rules of reference by content of parties; and to grant continuances on the motion of either party, upon such terms and conditions, as shall be agreeable to practice and the usages of law; and that if some other judge of the said court shall not attend the same within five days after the commencement thereof, inclusive, then the said court shall, by virtue of this act, be continued over to the next stated session thereof; in which case, all writs, process, and recognizances, returned and returnable to the said court, and all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending before the said court, shall, by virtue of this act, be continued to the next stated session of the same.

In civil suits no arrest shall be made in one district for trial in another, and no original civil process shall be

Sec. 16. *And be it further enacted*, That no person shall be arrested in one of the said districts, for trial in another, before any of the said circuit courts in any civil action; and that no civil action or suit shall be brought before any of the said courts, by any original process, against an inhabitant of the United States, in

any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ ; nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favour of an assignee, unless a suit might have been prosecuted in such court to recover the said contents, if no assignment had been made, except in cases of foreign bills of exchange.

brought but against inhabitants of the district or such as are found therein.

Suits founded on assignments.

Sec. 17. *And be it further enacted*, That the trials of all issues of fact, before any of the circuit courts hereby established, except in cases of equity, and admiralty and maritime jurisdiction, shall be by jury.

Trial by jury.

Sec. 18. *And be it further enacted*, That any judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, in all cases cognizable by the circuit court, whereof he shall be a judge, to grant writs of ne-exeat, and writs of injunction to stay waste, or to stay proceedings at law, on any judgment rendered by such circuit court, upon the like terms and conditions as such writs may be now granted, by the justices of the Supreme Court of the United States.

Writs of ne-exeat and injunctions.

Sec. 19. *And be it further enacted*, That if in the opinion of any circuit judge, of the circuit within which such district may be situated, the life or lives of any person or persons, confined in the prison of such district, under or by virtue of any law of the United States, shall be in imminent danger, arising from the place of such confinement, it shall, in such case, be lawful for such judge, and he is hereby authorized and empowered, to direct the marshal of such district to remove, or cause to be removed, the person or persons so confined, to

Removal of prisoners in case of danger.

the next adjacent prison, there to be confined, until he, she, or they, may safely be removed back, to the place of his, her, or their first confinement; and that the said removals shall be at the expence of the United States.

Sec. 20. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in any of the present circuit courts of the United States, or in any of the present district courts of the United States, acting as circuit courts, shall be, and hereby are, continued over to the circuit courts established by this act, in manner following; that is to say: all such as shall, on the fifteenth day of June next, be depending and undetermined, or shall then have been commenced and made returnable before the district court of Maine, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of Maine; all such as shall be depending and undetermined before the circuit court for the district of New-Hampshire, to the next circuit court hereby directed to be holden, within and for the district of New-Hampshire; all such as shall be depending and undetermined before the circuit court for the district of Massachusetts, to the next circuit court hereby directed to be holden, within and for the district of Massachusetts; all such as shall be depending and undetermined before the circuit court of the district of Rhode-Island, to the next circuit court hereby directed to be holden, within and for the district of Rhode-Island; all such as shall be depending or undetermined before the circuit court for the district of Connecticut, to the next circuit court hereby directed to be holden, within and for

Continuance
of suits now
depending
in the circuit
courts.

the district of Connecticut; all such as shall be depending and undetermined, before the circuit court for the district of Vermont, to the next circuit court hereby directed to be holden, within and for the district of Vermont; all such as shall be depending and undetermined before the circuit court for the district of New-York, to the next circuit court hereby directed to be holden, within and for the district of New-York; all such as shall be depending and undetermined before the circuit court for the district of New-Jersey, to the next circuit court hereby directed to be holden, within and for the district of Jersey; all such as shall be depending and undetermined before the circuit court for the district of Pennsylvania, to the next circuit court hereby directed to be holden, within and for the eastern district of Pennsylvania; all such as shall be depending and undetermined before the circuit court for the district of Delaware, to the next circuit court, hereby directed to be holden, within and for the district of Delaware; all such as shall be depending and undetermined before the circuit court for the district of Maryland, to the next circuit court hereby directed to be holden, within and for the district of Maryland; all such as shall be depending and undetermined before the circuit court for the district of Virginia, to the next circuit court hereby directed to be holden within and for the eastern district of Virginia; all such as shall be depending and undetermined before the circuit court for the district of North-Carolina, to the next circuit court hereby directed to be holden, within and for the district of North-Carolina; all such as shall be depending and undetermined before the circuit court for the

district of South-Carolina, to the next circuit court hereby directed to be holden, within and for the district of South Carolina; all such as shall be depending and undetermined before the circuit court for the district of Georgia, to the next circuit court hereby directed to be holden, within and for the district of Georgia; all such as shall be depending and undetermined before the district court of Tennessee, acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of East Tennessee; all such as shall be depending and undetermined before the district court of Kentucky, acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of Kentucky; and shall there be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been, if this act had not been made.

Sec. 21. *And be it further enacted,* That for the better dispatch of the business of district courts of the United States, in the districts of Jersey, Maryland, Virginia, and North-Carolina, additional district courts shall be established therein, in manner following, that is to say: The said district of Jersey shall be divided into two districts; one to consist of that part thereof, which is called East New-Jersey, and to be called the district of East Jersey; a district court, in and for which, shall be holden at New-Brunswick, by the district judge of the district of Jersey, on the fourth Tuesday in May, and on the fourth Tuesday in November, in each and every year; and one other, to consist of the remaining part of the said district of Jersey, and to be called the district of West-Jersey, a district court, in and

Additional
district courts
established.

for which, shall be holden at Burlington, by the district judge last aforesaid, on the fourth Tuesday in February, and on the fourth Tuesday in August, in each and every year: And a new district shall be established, in the districts of Maryland and Virginia, to consist of the territory of Columbia, of all that part of the district of Maryland, which lies west and southwest of the river Patuxent, and of the western branch thereof, and south of the line which divides the county of Montgomery in the last mentioned district, from the county of Frederick, and of a line to be drawn from the termination of the last mentioned line, a north-east course to the western branch of the Patuxent; and of all that part of the district of Virginia, which lies north of the river Rappahannock, and east of the line which divides the counties of Fauquier and Loudon, in the last mentioned district, from the counties of Fairfax, Prince William, and Stafford; which new district shall be called the district of Potowmac, and a district court in and for the same, shall be holden at Alexandria, by the district judge of the district of Maryland, on the first Tuesday in April, and the first Tuesday in October, in each and every year: And there shall be a new district established in the district of Virginia, to be called the district of Norfolk, and to consist of all that part of the said district of Virginia, which is contained within the counties of Isle of Wight, Nansemond, Norfolk, Princess Anne, James City, New-Kent, Warwick, York, Elizabeth City, Gloucester, Matthews, Middlesex, Accomac, and Northampton; a district court, in and for which district of Norfolk, shall be holden at Norfolk, by the district judge of the district of

Additional
district courts
established.

Virginia, on the first Tuesday in February, on the first Tuesday in May, on the first Tuesday in August, and on the first Tuesday in November, in each and every year : And the district of North-Carolina shall be divided into three districts ; one to consist of all that part thereof, which by the laws of the state of North-Carolina, now forms the districts of Edenton and Halifax ; which district shall be called the district of Albemarle, and a district court, in and for the same, shall be holden at Edenton, by the district judge of the district of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each, and every year ; one other to be called the district of Pamptico, and to consist of all that part of the district of North-Carolina aforesaid, which by the laws of the said state now forms the district of Newbern and Hillsborough, together with all that part of the district of Wilmington, which lies to the northward and eastward of the river called New River, and for which district of Pamptico, a district court shall be holden at Newbern, by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December, in each and every year : And one other to consist of the remaining part of the said district of North-Carolina, and to be called the district of Cape Fear, in and for which a district court shall be holden at Wilmington, by the district judge last aforesaid, on the last Tuesday in March, on the last Tuesday in July, and on the last Tuesday in November, in each, and every year ; which said courts, hereby directed to be holden, shall severally and respectively have and exercise, within their several

and respective districts, the same powers, authority, and jurisdiction, in all cases and respects whatsoever, which are vested by law in the district courts of the United States

Sec. 22. *And be it further enacted,* That there shall be clerks for each of the said courts, to be appointed by the judge thereof, which clerks shall reside and keep the records of the said courts, at the places of holding the courts, whereto they respectively shall belong, and shall perform the same duties, and be intitled to and receive the same emoluments and fees, which are established by law, for the clerks of the district courts of the United States respectively; and that the marshals and attornies of the United States, for the districts, which are hereby divided, or within the limits of which new districts are hereby erected, shall continue to be marshals and attornies for the courts hereby appointed to be holden within the limits of their present districts respectively, and shall have, exercise, and perform, within the jurisdictions of those courts respectively, all the powers and duties, and receive all the fees and emoluments, appointed and established by law, for the marshals and attornies of the United States.

Clerks of the district courts to be appointed.

Marshals and attornies to act in the subdivisions of their districts.

Sec. 23. *And be it further enacted,* That the stated sessions of the district court of the district of Maryland shall hereafter be holden at Baltimore only.

District court of Maryland to be held at Baltimore only.

Sec. 24. *And be it further enacted,* That the district courts of the United States, in and for the districts of Tennessee and Kentucky, shall be, and hereby are, abolished; and that all and singular the powers, authority and jurisdiction of the said courts respectively shall be and hereby are vested in, and shall be exer-

District courts of Tennessee & Kentucky abolished.

cised by the circuit courts, by this act directed to be holden in and for the districts of East Tennessee, West Tennessee and Kentucky, respectively, within the limits of their respective jurisdictions; and that the circuit judges to be appointed for the sixth circuit aforesaid, severally, shall be invested with, possess and exercise, all and singular the powers, now vested by law in the district judges of the United States:

Judges for the 6th circuit to have the powers of district judges.

Sec. 25. *And be it further enacted*, That in case of the inability of the district judge of either of the districts of the United States, to perform the duties of his office, and satisfactory evidence thereof being shewn to the circuit court, in and for such district, it shall be the duty of such circuit court, from time to time, as occasion may require, to direct one of the judges of said circuit court, to perform the duties of such district judge, within and for said district, for and during the period, the inability of the district judge shall continue: And it shall be the duty of the circuit judge, to whom the duties of the district judge shall be assigned in manner aforesaid, and he is hereby authorized to perform the duties of said district judge, during the continuance of his disability.

In case of inability of the district judge, a circuit judge may act.

Sec. 26. *And be it further enacted*, That the several circuit courts hereby established shall have power to appoint clerks for their respective courts; that is to say, one for each district within which such court is or shall be directed by law to be holden; which clerks respectively shall take the same oath or affirmation, and give the like bonds, as are by law required to be taken and given by the clerk of the supreme court of the United States; and shall

Clerks of the circuit courts to be appointed.

be entitled to demand and receive, for their services respectively, the same fees, to be recovered in the same manner, as have heretofore been allowed by law, for the like services, to the clerks of the circuit and district courts of the United States.

Sec. 27. *And be it further enacted*, That the circuit courts of the United States, heretofore established, shall cease and be abolished; and that the records and office papers of every kind, belonging to those courts respectively, shall be safely kept by the clerks thereof, who shall continue in all respects to act as heretofore in the business of the said courts, until it shall otherwise be ordered by the courts hereby established.

Former circuit courts abolished.

Sec. 28. *And be it further enacted*, That the supreme, circuit and district courts of the United States, shall be, and hereby are, constituted courts of record.

Certain courts constituted courts of record.

Sec. 29. *And be it further enacted*, That all writs and processess whatsoever, issuing from any of the circuit courts, hereby established, shall, after the first day of April next, bear test of the presiding judge of such court; before which time they shall bear test of the Chief Justice of the United States; all which said writs and processess shall be signed by the clerks of the courts respectively, from which the same shall issue, and shall be made returnable to the next stated or special session of such court, and all writs and processess which have issued, or which may issue before the first day of April next, returnable to the circuit courts heretofore established, or to any district court acting as a circuit court, shall be returned to the circuit courts hereby established, and shall be there proceeded in, in the same manner, as

Test, signing and return of writs.

they could, had they been originally returnable to the circuit courts hereby established.

Judges of the
supreme and
circuit courts
may grant
writs of ha-
beas corpus
ad inquir.

Sec. 30 *And be it further enacted*, That every justice of the supreme court of the United States, and every judge of any circuit or district court shall be, and hereby is, authorized and empowered, to grant writs of habeas corpus, for the purpose of enquiring into the cause of commitment, and thereupon to discharge from confinement, on bail or otherwise: *Provided always*, That no writ of habeas corpus, to be granted under this act, shall extend to any prisoner or prisoners in gaol, unless such prisoner or prisoners be in custody, under or by colour of the authority of the United States, or be committed for trial before some court of the same; or be necessary to be brought into court to give testimony.

New trials,
re-hearings
and practice.

Sec. 31. *And be it further enacted*, That the several courts of the United States shall be, and hereby are authorized and empowered to grant new trials and re-hearings, on motion and cause shewn, and to make and establish all necessary rules and regulations, for returning writs, filing pleas, and other proceedings; and for regulating the practice and enforcing the orderly conduct of business, in the said courts respectively: *Provided always*, That the said rules and regulations be not repugnant to the laws of the United States: and that all the courts of the United States, and each of the justices and judges thereof, shall be, and hereby are, authorized and empowered, to administer all necessary oaths and affirmations, and to bind to the peace or good behaviour, with surety where necessary, in all cases, arising under the authority of the United States.

The courts or
judges em-
powered to
administer
oaths gene-
rally, &c.

Sec. 32. *And be it further enacted*, That every person who shall be appointed a judge of any circuit court, hereby established, shall, before he shall begin to exercise the duties of his said office, take the following oath or affirmation; that is to say: "I, A. B. do solemnly swear" (or affirm) "that I will administer justice without respect to persons; and will do equal right to all persons; and will, in all things, faithfully and impartially discharge and perform, all the duties incumbent on me as a judge of _____ according to the best of my abilities and understanding, and to the constitution and laws of the United States."

Oath of a circuit judge.

Sec. 33. *And be it further enacted*, That from all final judgments or decrees, in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars, shall be allowed to the circuit court next to be holden, in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear and determine such appeal; and that from all final judgments or decrees in any circuit court, in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States; and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal; and that

Appeals from the district courts, to the circuit courts, and from thence to the supreme court.

such appeals shall be subject to the same rules, regulations and restrictions, as are prescribed by law in case of writs of error; and that the said supreme court shall be, and hereby is authorized and required, to receive, hear and determine such appeals.

Writs of error to the circuit courts.

Sec. 34. *And be it further enacted*, That all final judgments in civil actions at common law, in any of the circuit courts hereby established, whether brought by original process in such court, or removed thereto from any state court, and all final judgments in any of the district courts of the United States may, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, be re-examined and reversed or affirmed, in the supreme court of the United States, by writ of error; whereto shall be annexed, and returned therewith at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, and also a citation to the adverse party, signed by a judge of such circuit court, or by the district judge as the case may be; which citation shall be served on the adverse party personally, or by leaving a true copy thereof at his or their usual place or places of residence, at least thirty days before the time mentioned in such writ of error, for the return thereof.

Security taken upon writs of error or appeals to be sent up with the record.

Sec. 35. *And be it farther enacted*, That the stipulation, bond or security, taken upon any writ of error or appeal to be brought or allowed as aforesaid, shall be returned by the judge taking the same, to the clerk or register of the court where the judgment or decree complained of was rendered, to be by him annexed to the transcript of the record, hereby directed to

be sent up to the supreme court of the United States.

Sec. 36. *And be it further enacted,* That there shall be appointed, in and for each of the districts established by this act, a marshal, whose duty it shall be to attend the circuit courts of the United States hereby established, when sitting within such district, and who shall have and exercise, within such district, the same powers, perform the same duties, be subject to the same penalties, give the same bond with sureties, take the same oath, be entitled to and receive the same compensation and emoluments, and in all respects be subject to the same regulations, as are now prescribed by law, in respect to the marshals of the United States heretofore appointed: *Provided always,* That the several marshals of the United States, now in office, shall, during the periods for which they were respectively appointed, unless sooner removed by the President of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by marshals therein.

Marshals to be appointed.

Sec. 37. *And be it further enacted,* That there shall be appointed for each of the districts hereby established, a person learned in the law, to act as attorney for the United States within such district, and in the circuit and district courts which may be holden therein; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute, in such district, all delinquents for crimes and offences cognizable under the authority of the United States, and

District attorneys to be appointed.

all civil actions or suits in which the United States shall be concerned, except actions or suits in the supreme court of the United States; and shall be entitled to, and receive, for their services respectively, such compensations, emoluments and fees, as by law are or shall be allowed, to the district attorneys of the United States: *Provided always*, That the district attorneys of the United States now in office shall, severally and respectively, be attorneys for those districts hereby established, within which they reside, until removed by the President of the United States; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by the attorney of the United States therein.

Compensation of jurors and witnesses.

Sec. 38. *And be it further enacted*, That jurors and witnesses attending any of the courts, hereby established, shall be entitled to and receive, the same compensations respectively, as heretofore have been allowed by law to jurors and witnesses, attending the circuit and district courts of the United States.

Records of the circuit courts, where to be kept.

Sec. 39. *And be it further enacted*, That the records of the several circuit courts, hereby established, shall hereafter be kept at the respective places at which the said courts are hereby directed to be holden: *Provided always*, That in the district wherein there are more than one place directed by this act for holding said circuit courts, the records of the circuit court in such district shall hereafter be kept in either of such places, as the said court in such district shall direct.

Suitors, &c. how far privileged from arrest.

Sec. 40. *And be it further enacted*, That the privilege from arrest of every person going to, attending at, or returning from, any court of

the United States, shall be computed and continue, from the time of his or her departure from his or her habitation, until his or her return thereto: *Provided*, That such time shall not exceed one day, Sundays excluded, for every twenty miles of the distance, which such person must necessarily travel in so going and returning, over and above the time of attendance.

Sec. 41. *And be it further enacted*, That each of the circuit judges of the United States, to be appointed by virtue of this act, shall be allowed as a compensation for his services, an annual salary of two thousand dollars, to be paid quarter yearly at the Treasury of the United States; except the judges of the sixth circuit, who shall be allowed the sum of fifteen hundred dollars each, to be paid in like manner; and that the salaries of the district judges of Kentucky and Tennessee shall be, and hereby are, severally augmented to the like sum of fifteen hundred dollars, annually to be paid in like manner.

Salaries of
the judges.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

Vice-President of the United States, and

President of the Senate.

APPROVED—February 13, A. D. 1851.

JOHN ADAMS,

President of the United States.

CHAPTER LXXVI.

An ACT regulating the grants of and appropriated for the refugees from the British provinces of Canada and Nova Scotia.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the survey-

Survey of
lands for the
Refugees
from Canada
&c. to be
made.

or-general be, and he is hereby directed to cause those fractional townships of the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second ranges of townships, which join the southern boundary line of the military lands, to be subdivided into half sections, containing three hundred and twenty acres each; and to return a survey and description of the same to the secretary of the Treasury, on or before the first Monday of December next; and that the said lands be, and they are hereby set apart and reserved for the purpose of satisfying the claims of persons entitled to lands under the act, intitled, "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia."

How loca-
tions shall be
made.

Sec. 2. *And be it further enacted*, That the secretary of the Treasury shall, within thirty days after the survey of the lands shall have been returned to him as aforesaid, proceed to determine, by lot, to be drawn in the presence of the secretaries of state and of war, the priority of location of the persons entitled to lands as aforesaid. The persons, thus entitled, shall severally make their locations on the second Tuesday of January next, and the patents for the lands thus located shall be granted in the manner directed for military lands, without requiring any fee whatever.

Patents to be
granted.

Quantities of
land assigned
to the Refu-
gees, nomi-
nally.

Sec. 3. *And be it further enacted*, That the following persons, claiming lands under the above-mentioned act, shall respectively be entitled to the following quantities of land; that is to say; Martha Walker, widow of Thomas Walker, John Edgar, P. Francis Cazeau, John Allan, and Seth Harding, respectively, two thousand two hundred and forty acres

each; Jonathan Eddy, colonel James Living-
 ington, and Parker Clark, respectively, one thou-
 sand two hundred and eighty acres each; and
 the heirs of John Dodge, one thousand two
 hundred and eighty acres; Thomas Faulkner,
 Edward Faulkner, David Gay, Martin Brooks,
 lieutenant-colonel Bradford, Noah Miller,
 Joshua Lamb, Atwood Fales, John Starr, Wil-
 liam How, Ebenezer Gardner, Lewis F. De-
 lefeldernier, John Mc.Gown, and Jonas C. Mi-
 not, respectively, nine hundred and sixty acres
 each. and the heirs of Simeon Chelster, nine
 hundred and sixty acres; Jacob Vander Hey-
 den, John Livingiton, James Crawford, Isaac
 Danks, major B. Von Heer, Benjamin Thomp-
 son, Joseph Bindon, Joseph Levittre, lieute-
 nant William Maxwell, John D. Mercier,
 James Price, Seth Noble, Martha Bogart, re-
 lict of Abraham Bogart, and formerly relict of
 Daniel Tucker, and John Hallsted, respectively,
 six hundred and forty acres each; David Jenks,
 Ambrose Cole, James Cole, Adam Johnson,
 the widow and heirs of colonel Jeremiah Dug-
 gan, Daniel Earl, junior, John Parkell, Ed-
 ward Chinn, Joseph Cone, and John Tor-
 rey, respectively, three hundred and twenty
 acres each; Samuel Fales, one hundred and
 sixty acres; which several tracts of land shall,
 except the last, be located in half sections by
 the respective claimants.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
 President of the Senate.*

APPROVED.—February 18, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXVII.

An ACT making the Port of Biddeford and Pepperrelborough, and the port of New Bedford in Massachusetts, ports of entry for ships or vessels, arriving from the Cape of Good Hope, and from places beyond the same.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the port of Biddeford and Pepperrelborough, and the port of New Bedford, in the Commonwealth of Massachusetts, be, and they are hereby made, ports of entry for ships or vessels arriving from the Cape of Good Hope, and from places beyond the same.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 18, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXVIII.

An ACT to establish the district of Bristol, and to annex the towns of Kittery and Berwick to the district of Portsmouth.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirty-first day of March next, the towns of Bristol, Warren and Barrington, in

District of
Bristol estab-
lished.

the state of Rhode-Island, and Providence Plantations, and all the shores and waters, around the same, within the following limits, viz. a line beginning at the middle of the bay, between Mount Hope and Common Fence Point, running south westerly through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode-Island to Prudence Island, from thence northwardly on a straight line to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point, shall be a district, to be called the district of Bristol, of which the port of Bristol shall be the sole port of entry, and a collector for said district shall be appointed to reside at Bristol, and Warren and Barrington shall be ports of delivery only, and a surveyor shall be appointed to reside at each of the ports of Bristol and Warren; and the surveyor at Warren shall also be surveyor for the port of Barrington.

Sec. 2. *And be it further enacted*, That said port of Bristol shall also be a port of entry, for all ships or vessels arriving from the Cape of Good Hope, or places beyond the same.

Sec. 3. *And be it further enacted*, That from and after the said thirty-first day of March next, the towns of Kittery and Berwick, in the state of Massachusetts, shall be annexed to the district of Portsmouth in New-Hampshire, as ports of delivery only; *Provided*, That nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, having merchandize on board, destined for either of the said places, from making entry at his option, with the collector of

Vessels from or beyond the Cape of Good Hope may enter at its port.
Kittery and Berwick annexed to Portsmouth

the district of York, and obtaining permits for the delivery thereof as heretofore.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 25, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXIX.

An ACT to discharge Samuel Lewis, senior, from his imprisonment.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Samuel Lewis, senior, be discharged from his imprisonment upon a Judgment obtained against him in favor of the United States : *Provided however,* That he shall first assign and convey all the estate, real and personal, which he may now own or be entitled to, to some person or persons, for the use and benefit of the United States, under the direction of the Secretary of the Treasury ; *Provided also,* That the said Judgment shall remain in full force against any estate which the said Samuel Lewis, senior, may hereafter acquire ; and that process may, at any time, be thereon issued against the same.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 25, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXX.

An ACT freeing from postage all letters and packets to John Adams.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all letters and packets to John Adams, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 25, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXI.

An ACT for the relief of Nathaniel Holmes.

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 authorized and directed to settle the account of major Nathaniel Holmes, and allow him such sums of money, as shall appear to have been paid by him for transporting and victualling a detachment of troops, from his battalion, in the winter of one thousand seven hundred and ninety-four, and of one thou-

and seven hundred and ninety-five, from
Cape May to Trenton.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 25, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXII.

An ACT to continue in force the acts laying duties on licences for selling wines and foreign distilled spirits by retail, and so much of the act laying certain duties on snuff and refined sugar as respects a duty on refined sugar, on property sold at auction, and on carriages for the conveyance of persons.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That an act passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, intituled, “ An act laying duties on licences for selling wines and foreign distilled spirituous liquors by retail;” and that so much of an act passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, intituled, “ An act laying certain duties upon snuff and refined sugar,” as respects a duty upon refined sugar, and that an act passed on the ninth day of June in the year one thousand seven hundred and ninety-four, intituled, “ An act laying duties on property sold at auction,” and which acts were, by an act passed on the third day of March, in the year

one thousand seven hundred and ninety-five, continued in force until the first day of March, in the year one thousand eight hundred and one, shall be, and the same are hereby continued in force without limitation of time; any thing in any former act to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That so much of the thirteenth section of an act, passed on the twenty-eighth day of May in the year one thousand seven hundred and ninety-six, intituled, "An act laying duties upon carriages for the conveyance of persons, and repealing the former act for that purpose," as limits the duration of said act, shall be, and the same is hereby repealed, and said act is hereby continued in force, without limitation of time.

"Act laying duties upon carriages," &c. continued without limitation.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

Vice-President of the United States, and

President of the Senate.

APPROVED—February 25, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXIII.

An ACT declaring the consent of Congress to an act of the state of Maryland, passed the twenty eighth day of December, one thousand seven hundred and ninety three, for the appointment of a Health Officer.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and is hereby granted and declar-

ed, to the operation of an act of the General Assembly of Maryland, passed the twenty eighth day of December, one thousand seven hundred and ninety three, intituled, " An act to appoint a Health Officer for the Port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore from a foreign voyage, for the purposes in said act intended.

Sec. 2. *And be it further enacted,* That this act shall be in force for three years, from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

February 27th, A. D. 1801.—APPROVED.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXIV.

An ACT to allow the transportation of goods, wares and merchandise, to and from Philadelphia and Baltimore, by the way of Appoquinimink and Sassafras.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any goods, wares and merchandise, which lawfully might be transported to or from the City of Philadelphia and Baltimore, by the way of Elkton, Bohemia or Frenchtown, and Port Penn, Appoquinimink, New-Castle, Christiana-Bridge,

Newport or Wilmington, shall and may lawfully be transported, to and from the city of Philadelphia and Baltimore, by the way of Appoquinimink and Sassafras river, and shall be entitled to all the benefits and advantages, and shall be subject to all the provisions, regulations, limitations and restrictions, existing in the case of goods, wares and merchandise, transported by any of the routes before mentioned.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 27, A. D. 1801.

JOHN ADAMS,
President of the United States.

CHAPTER LXXXV.

An ACT for the relief of Arnold Henry Dorhman, or his legal representatives.

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 issue a patent for the thirteenth township, in the seventh range, to Arnold Henry Dorhman or his legal representatives, agreeably to a resolution of Congress of the

first day of October, in the year one thousand seven hundred and eighty-seven.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED.—February 27, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXVI.

An ACT concerning the district of Columbia.

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

Laws of Virginia and Maryland continued in force in the district.

the state of Virginia, as they now exist, shall be and continue in force in that part of the district of Columbia, which was ceded by the said state to the United States, and by them accepted for the permanent seat of government; and that the laws of the state of Maryland, as they now exist, shall be and continue in force in that part of the said district, which was ceded by that state to the United States, and by them accepted as aforesaid.

Sec. 2. *And be it further enacted,* That the said district of Columbia shall be formed into two counties; one county shall contain all that part of said district, which lies on the east side of the river Potowmac, together with the islands therein, and shall be called the county of Washington; the other county shall contain all that part of said district, which lies on the west side of said river, and shall be called the county of Alexandria; and the said river in its whole course through said district shall be ta-

It shall be formed into two counties.

ken and deemed to all intents and purposes to be within both of said counties.

Sec. 3 *Be it further enacted*, That there shall be a court in said district, which shall be called the circuit court of the district of Columbia; and the said court and the judges thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States. Said court shall consist of one chief judge and two assistant judges resident within said district, to hold their respective offices during good behaviour; any two of whom shall constitute a quorum; and each of the said judges shall, before he enter on his office, take the oath or affirmation provided by law to be taken by the judges of the circuit courts of the United States; and said court shall have power to appoint a clerk of the court in each of said counties, who shall take the oath and give a bond with sureties, in the manner directed for clerks of the district courts in the act to establish the Judiciary of the United States.

Circuit court established in it.

Sec. 4. *Be it further enacted*. That said court shall, annually, hold four sessions in each of said counties, to commence as follows, to wit: For the county of Washington, at the city of Washington, on the fourth Mondays of March, June, September and December; for the county of Alexandria, at Alexandria, on the second Mondays of January, April, July, and the first Monday of October.

Sessions of the court.

Sec. 5. *Be it further enacted*, That said court shall have cognizance of all crimes and offences committed within said district, and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district; and also of all ac-

Subjects for the cognizance of the court.

tions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States.

Sec. 6. *Provided, and be it further enacted,* That all local actions shall be commenced in their proper counties, and that no action or suit shall be brought before said court, by any original process against any person, who shall not be an inhabitant of, or found within said district, at the time of serving the writ.

Sec. 7. *Be it further enacted,* That there shall be a marshal for the said district, who shall have the custody of the gaols of said counties, and be accountable for the safe keeping of all prisoners legally committed therein; and he shall be appointed for the same term, shall take the same oath, give a bond with sureties in the same manner, shall have generally, within said district, the same powers, and perform the same duties, as is by law directed and provided in the case of marshals of the United States.

Sec. 8. *Be it further enacted,* That any final judgment, order or decree in said circuit court, wherein the matter in dispute, exclusive of costs, shall exceed the value of one hundred dollars, may be re-examined and reversed or affirmed in the supreme court of the United States, by writ of error or appeal; which shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had therein, as is or shall be provided in the case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit court of the United States.

Where local actions shall be commenced. No suits to be brought but against inhabitants, or persons found in the district.

A marshal to be appointed for the district.

Writs of error and appeals.

Sec. 9. *Be it further enacted*, That there shall be appointed an attorney of the United States for said district, who shall take the oath and perform all the duties required of the district attorneys of the United States; and the said attorney, marshal and clerks, shall be entitled to receive for their respective services, the same fees, perquisites and emoluments, which are by law allowed respectively to the attorney, marshal and clerk of the United States, for the district of Maryland.

An Attorney to be appointed.

Allowances to the attorney, marshal, and clerks.

Sec. 10. *Be it further enacted*, That the chief judge, to be appointed by virtue of this act, shall receive an annual salary of two thousand dollars, and the two assistant judges, of sixteen hundred dollars each, to be paid quarterly, at the Treasury of the United States.

Compensation of the judges.

Sec. 11. *Be it further enacted*, That there shall be appointed in and for each of the said counties, such number of discreet persons to be justices of the peace, as the President of the United States shall from time to time think expedient, to continue in office five years; and such justices, having taken an oath for the faithful and impartial discharge of the duties of the office, shall, in all matters civil and criminal, and in whatever relates to the conservation of the peace, have all the powers vested in, and shall perform all the duties required of, justices of the peace, as individual magistrates, by the laws herein before continued in force in those parts of said district, for which they shall have been respectively appointed; and they shall have cognizance in personal demands to the value of twenty dollars, exclusive of costs; which sum they shall not exceed, any law to the contrary notwithstanding; and they shall be entitled to receive

Justices of the peace to be appointed.

for their services the fees allowed for like services by the laws herein before adopted and continued, in the eastern part of said district.

Registers of wills and judges of the orphan's court to be appointed.

Sec. 12. *And be it further enacted*, That there shall be appointed in and for each of the said counties, a Register of Wills, and a Judge to be called the Judge of the Orphans Court, who shall each take an oath for the faithful and impartial discharge of the duties of his office ; and shall have all the powers, perform all the duties, and receive the like fees, as are exercised, performed, and received, by the Registers of Wills and Judges of the Orphans Court, within the State of Maryland ; and appeals from the said courts shall be to the circuit court of said district, who shall therein have all the powers of the chancellor of the said State.

How to obtain execution within the district, upon judgments already rendered in courts of Maryland & Virginia.

Sec. 13. *And be it further enacted*, That in all cases where judgments or decrees have been obtained, or hereafter shall be obtained, on suits now depending in any of the courts of the Commonwealth of Virginia, or of the State of Maryland, where the defendant resides or has property within the district of Columbia, it shall be lawful for the Plaintiff in such case upon filing an exemplification of the record and proceedings in such suits, with the clerk of the court of the county where the defendant resides, or his property may be found, to sue out writs of execution thereon, returnable to the said court, which shall be proceeded on, in the same manner as if the judgment or decree had originally been obtained in said court.

Suits in the courts Hustlings for Alexandria and Georgetown continued to

Sec. 14. *And be it further enacted*, That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in the courts of Hustlings for the Towns of Alexandria and George Town,

shall be, and hereby are continued over to the the circuit-
 circuit courts to be holden by virtue of this court.
 act, within the district of Columbia, in man-
 ner following; that is to say: all such as shall
 then be depending and undetermined, before
 the court of Hustings for the Town of Alex-
 andria, to the next circuit court hereby direc-
 ted to be holden in the Town of Alexandria;
 and all such as shall then be depending and un-
 determined, before the court of Hustings for
 George Town, to the next circuit court hereby
 directed to be holden in the city of Washing-
 ton: *Provided nevertheless*, That where the
 personal demand in such cases, exclusive of
 costs, does not exceed the value of twenty
 dollars, the Justices of the Peace within their
 respective counties, shall have cognizance
 thereof.

Sec. 15. *And be it further enacted*, That all
 writs and processess whatsoever, which shall here- Test of writs
 after issue from the courts hereby established
 within the district, shall be tested in the name
 of the Chief Judge of the District of Co-
 lumbia.

Sec. 16. *And be it further enacted*, That
 nothing in this act contained shall in any wise Saving of the
 alter, impeach or impair the rights, granted by rights of cor-
 or derived from the acts of incorporation of porations.
 Alexandria and George Town, or of any other
 body corporate or politic, within the said dis-
 trict, except so far as relates to the Judicial

powers of the Corporations of George Town and Alexandria.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON,

*Vice-President of the United States, and
President of the Senate.*

APPROVED—February 27, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXVII.

*An ACT supplementary to an act, intituled,
“ An act to divide the territory of the United
States north-west of the Ohio, into two separate
governments.”*

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all suits, and process and proceedings, which on the third day of July one thousand eight hundred, were pending in any court of either of the counties, which by the act intituled, “ An act to divide the territory of the United States north-west of the Ohio, into two separate governments,” has been included within the Indiana Territory; and that all suits, process and proceedings, which, on the aforesaid third day of July, were pending in the general court of the territory of the United States north-west of the Ohio, in consequence of any writ of removal or order for trial at bar, had been removed from either of the counties now within the limits of the Indiana Territory aforesaid, shall

Certain suits
revived.

be and they are hereby revived and continued ; and the same proceedings, before the rendering of final judgment and thereafter, may and shall be had, in the same courts, in all suits and process aforesaid, and in all things concerning the same, as by law might have been had in case the said territory of the United States north-west of the Ohio had remained undivided.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 2, A. D. 1801. •

JOHN ADAMS,

President of the United States.

CHAPTER LXXXVIII.

An ACT to add to the district of Massac on the Ohio. and to discontinue the district of Palmyra in the state of Tennessee, and therein to amend the act, entitled, " An act to regulate the collection of duties on imports and tonnage."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the district of Massac, in addition to the territory it already possesses, shall include all waters, shores, and inlets, now included within the district of Palmyra, and all rivers, waters, shores and inlets, lying within the state of Tennessee.

Sec. 2. *And be it further enacted,* That from and after the thirtieth day of June next, so much of the " Act to regulate the collection

of duties on imports and tonnage" as established the district of Palmyra in the state of Tennessee, shall be repealed, except as to the recovery and receipts of such duties on goods, wares and merchandize, and on the tonnage of ships or vessels, as shall have accrued, and as to the recovery and distribution of fines, penalties and forfeitures, which shall have been incurred before and on the said day.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED.—March 2, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER LXXXIX.

An ACT making appropriations for the Military Establishment of the United States, for the year one thousand eight hundred and one.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for defraying the expences of the military establishment of the United States, for the year one thousand eight hundred and one, the pay and subsistence of the officers and men, bounties and premiums, the clothing, hospital, ordnance, quartermaster's and Indian departments, the defensive protection of the frontiers, the contingent expences of the war department, for the fabrication of cannon and arms, and purchase of ammunition, and for the payment of military pensions, the sum of two millions,

ninety-three thousand and one dollars, be, and is hereby appropriated; that is to say, Specific appropriations.

For the pay of the army of the United States, four hundred and eighty thousand three hundred and ninety-six dollars.

For the subsistence of the army, three hundred and six thousand three hundred and ninety-five dollars.

For forage, the sum of seven thousand six hundred and eighty dollars.

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

For cloathing, the sum of one hundred and forty-one thousand five hundred and thirty dollars.

For bounties and premiums, the sum of forty-two thousand dollars.

For the hospital department, the sum of twenty thousand dollars.

For the ordnance department, the sum of one hundred thousand dollars.

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

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

For defraying the expence of the transportation of annuities to the Indian tribes, ten thousand dollars.

For promoting civilization among the Indian tribes, and pay of temporary agents, and rations to Indians at the different military posts, the sum of forty-five thousand dollars.

Specific ap-
propriations.

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

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

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

For the fortification of ports and harbours within the United States, the sum of two hundred thousand dollars. For the fabrication of cannon and small arms, and the purchase of ammunition, being the balance of appropriations unexpended which have been carried to the surplus fund, four hundred thousand dollars.

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

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 2, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XC.

An ACT to amend the act, intituled, " An act to establish a General Stamp-Office."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever any person or persons shall pay to a Collector of the Revenue, the duty chargeable by law on a deed, instrument or writing, on which the stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain the endorsement and receipt of such collector, upon such deed, instrument or writing therefor, agreeably to the provisions of an act, intituled, " An act to establish a general stamp-office," passed on the twenty-third day of April, in the year one thousand eight hundred, it shall be lawful for such person or persons to produce such deed, instrument or writing, to the Supervisor of the Revenue within whose district such person or persons shall reside; which Supervisor thereupon shall certify under his hand and seal, and upon some part of the said deed, instrument or writing, that the same, so endorsed, has been produced to him, and that the said endorsement is, in his belief, genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument or writing, shall be to all intents and purposes as valid and available as if the same had been or were stamped, counter-stamped, or marked as by law required; any thing in any act to the contrary notwithstanding.

Mode of obtaining a stamp to an instrument not stamped.

Sec. 2. *And be it further enacted,* That so much of the act, intituled, " An act to establish

Repeal of part of the former act.

a general stamp-office," as requires certain duties to be performed by the Surveyors of the Revenue, shall be, and the same is hereby repealed.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCI.

An ACT providing for a Naval peace establishment, and for other purposes.

BE it enacted by the Senate and House of Representatives of the United States of America,

The President may cause to be sold certain of the public vessels.

in Congress assembled, That the President of the United States be, and he hereby is authorized, whenever the situation of public affairs shall in his opinion render it expedient, to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, all or any of the ships and vessels belonging to the navy, except the frigates United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New-York, Boston, Essex, Adams, John Adams, and General Greene; and also to lay up all the frigates thus to be retained, except such as are directed by this act to be kept in constant service in time of peace.

Six of the frigates to be retained in constant service.

Sec. 2. *And be it enacted,* That six of the frigates to be retained shall be kept in constant service in time of peace, and shall be officered

and manned as the President of the United States may direct, not to exceed however two-thirds of the present complement of seamen, and ordinary seamen; the residue of the frigates to be retained shall be laid up in convenient ports, and there shall be permanently attached to each frigate so laid up, one sailing master, one boatswain, one gunner, one carpenter, and one cook, one serjeant or corporal of marines, and eight marines; and to the large frigates twelve, and to the small frigates ten seamen; the sailing master shall have the general care and superintendance of the ship; and shall generally execute such duties of a purser as may be necessary.

Sec. 3. *And be it enacted*, That from and after the day when the reduction of the navy shall take place as aforesaid, the navy ration shall consist of as follows: on Sunday, fourteen ounces of bread, one and a quarter pound of beef, half a pound of flour, one quarter of a pound of suet, one half pint of distilled spirits; Monday, fourteen ounces of bread, one pound of pork, half pint of pease, one half pint of distilled spirits; Tuesday, fourteen ounces of bread, one pound of beef, two ounces of cheese, one half pint of distilled spirits; Wednesday, fourteen ounces of bread, one pound of pork, half pint of rice, one half pint of distilled spirits; Thursday, fourteen ounces of bread, one and a quarter pound of beef, half pound of flour, quarter pound of suet, one half pint of distilled spirits; Friday, fourteen ounces of bread, four ounces of cheese, two ounces of butter, half pint of rice, half pint of molasses, one half pint of distilled spi-

Component parts of a ration after the reduction of the Navy.

rits; Saturday, fourteen ounces of bread, one pound of pork, half pint of pease, half pint of vinegar, one half pint of distilled spirits.

Number of
officers to be
retained.

Sec. 4. *Be it further enacted*, That the President of the United States retain in the navy service in time of peace, nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the six frigates to be kept in service; and that he be authorized to discharge all the other officers in the navy service of the United States, but such of the aforesaid officers as shall be retained in the service shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service.

Four months
extra pay al-
lowed to those
who are dis-
charged.

Sec. 5. *Be it further enacted*, That all the commissioned and warrant officers, who shall be discharged as aforesaid, shall be entitled to receive four months pay over and above what may be due to them respectively at the time of their discharge.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCII.

An ACT concerning the Mint.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the mint shall remain in the city of Philadelphia, until the fourth day of March, in the year one thousand eight hundred and three.

To remain
at Philadel-
phia.

Sec. 2. *And be it further enacted,* That during the continuance of the mint at the city of Philadelphia, the duties now enjoined on the chief justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the department of State, and the Attorney General of the United States, by the eighteenth section of the act, entitled, "An act establishing a mint and regulating the coins of the United States," passed the second day of April, one thousand seven hundred and ninety-two, shall be performed by the district judge of Pennsylvania, the Attorney for the United States in the district of Pennsylvania, and the Commissioner of Loans for the state of Pennsylvania.

Certain du-
ties to be
performed by
the district
judge and at-
torney of
Pennsylvania
and the com-
missioner of
loans.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED.—March 3, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCIII.

An ACT authorising the Secretary of the Treasury to employ Clerks for completing the abstracts of the valuation of lands and dwelling-houses, and the enumeration of slaves.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to employ clerks, for such compensation as he shall judge reasonable, to complete the abstracts of the valuation of lands and dwelling houses, and the enumeration of slaves within the United States, under the direction of the commissioners authorized to direct the completing of such abstracts, in those states where clerks cannot be procured by the commissioners, for the compensation allowed by law to clerks for performing that business, agreeably to the provisions of the following acts; that is to say, an act, intituled, "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States;" an act, intituled, "An act supplementary to the act, intituled, 'An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States;" and an act, intituled, "An act to provide for equalizing the valuation of unseated lands."

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCIV.

An ACT giving a right of preemption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States north-west of the Ohio.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person or persons, and the legal representative or representatives of any person or persons, who, before the first day of January in the year of our Lord one thousand eight hundred, had made any contract or contracts in writing, or by any note or memorandum thereof in writing, either with John Cleves Symmes, or with any of his associates, or who had made to him or them, any payment of money for the purchase of lands, situate between the Miami rivers, within the limits of a survey made by Israel Ludlow, in conformity to an act of Congress of the twelfth of April, one thousand seven hundred and ninety-two, and not comprehended within the limits of a tract of land, conveyed to John Cleves Symmes and his associates, by letters patent, bearing date the thirtieth of September, one thousand seven hundred and ninety-four, in the territory of the United States north-west of the Ohio, shall be entitled to a preference, in becoming the purchasers, from the United States, of all the lands so contracted for, at the price of two dollars per acre, exclusive of the surveying fees, and other incidental expenses; and payment may be made therefor, to the Treasurer of the United States, or the Receiver of public monies for the lands of the United States at Cin-

Right of preemption given to certain persons, who have contracted with J. C. Symmes, &c.

cinnati, in like instalments, and under the same conditions, as directed by the act, intituled, “ An act to amend the act, intituled, ‘ an act providing for the sale of the lands of the United States, in the territory of the United States north-west of the Ohio, and above the mouth of Kentucky river;’” *Provided however*, that no interest shall be charged upon any of the instalments until they respectively become payable.

Persons claiming the benefit of this act to give notice to the Receiver of public monies at Cincinnati, &c.

Sec. 2. *And be it further enacted*, That every person, claiming the benefit of the first section of this act, shall, on or before the first day of November next, deliver to the Receiver of public monies, for the lands of the United States at Cincinnati, a notice in writing, stating the nature and extent of his claim or contract; and if any person shall neglect to give such notice of his claim or contract, or having given the same, shall neglect to make application for the purchase thereof, as hereinafter directed, or shall fail in making the first payment before the first of January next, all his right of preemption, on the terms aforesaid, shall cease and become void.

Duty of the Receiver herein;

Sec. 3. *And be it further enacted*, That the aforesaid Receiver of public monies, on being paid the fees hereinafter provided, shall receive every such notice of claim, or statement thereof, and give a receipt therefor, and carefully put and preserve on file every such paper or writing, and lay the same before the Commissioners, when met, for settling and adjusting the claims aforesaid.

And also of the two Commissioners to be appointed.

Sec. 4. *And be it further enacted*, That the aforesaid Receiver of public monies, and two other persons, who shall be appointed by the President of the United States alone shall be commissioners for the purpose of ascertaining the rights of persons claiming the benefits of this

act, who, previous to entering on the duties of their appointment, shall respectively take and subscribe the following oath or affirmation, before some person qualified to administer oaths, to wit, " I——do solemnly swear, or affirm, that I will impartially exercise and discharge the duties imposed upon me, by an act of Congress, intituled " An act giving a right of preemption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States north-west of the Ohio," to the best of my understanding and ability;" and it shall be the duty of the said Commissioners to meet at Cincinnati, between the first and the tenth day of November next, of which meeting three weeks previous notice shall be given by them in a public newspaper printed at Cincinnati; and they, or a majority of them, so met, shall not adjourn to any other place, or for a longer time than three days, until they have finally completed the business of their said appointment; and they, or any two of them, shall have power to hear and decide, in a summary manner, all matters respecting all such claims of which notice may have been filed, pursuant to the third section of this act, also to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination shall be final; and when it shall appear to them, that the claimant is entitled to the right of preemption, on the terms aforesaid, they shall give a certificate thereof, stating as accurately as may be, the quantity and local situation of the lands to which he may be entitled, directed to the Register of the land-office at Cincinnati, or when the said Register may be a claimant to the Surveyor-Ge-

neral, copies of which certificates shall be by them recorded, in a book to be provided for that purpose, and deposited for safe-keeping with the Register of the land-office.

Duty of the
Surveyor-
General &
Register at
Cincinnati.

Sec. 5. *And be it further enacted*, That the aforesaid Register and Surveyor-General, respectively, upon application of any person or persons, who shall produce a certificate of the Commissioners aforesaid, to him directed, before the first day of January next, and shall also produce a receipt from the Treasurer of the United States, or the aforesaid Receiver of public monies, for at least one fourth part of the purchase money, and also for the payment of three dollars for each half section or smaller quantity, and shall pay him the fees in like case provided by the act, intituled "An act to amend the act, intituled 'an act providing for the sale of the lands of the United States, in the territory of the United States north-west of the Ohio, and above the mouth of Kentucky river,'" shall admit such person or persons to become a purchaser or purchasers of the land designated in the said certificate, and shall receive the said certificate, and preserve it on file, and make an entry of the application in his book, kept for the purpose, and on any of the three last payments being made in advance, he shall allow the purchaser the like discount as is allowed by the fourth clause of the fifth section of the act last above recited; and on payment in full, and a final settlement had, he shall give his certificate thereof; upon producing which to the Secretary of the Treasury, a patent shall issue in like manner as is provided by the said act last above recited.

Sec. 6. *And be it further enacted*, That the said Receiver of public monies shall be entitled to have and receive, to his own use, from the

respective claimants, the following fees, that is to say; for filing a notice and evidence of claim, or statement thereof, twenty-five cents; for giving a copy thereof, twelve and a half cents for every one hundred words: And the said Commissioners shall, as a full compensation for their services, be entitled, jointly, to have and receive from the respective claimants, that is to say; for every determination, and entering the result in their book, at the rate of three dollars for every section; for every certificate, and recording the same, at the rate of one dollar for every section.

Fees allowed to the Receiver & Commissioners.

Sec. 7 *And be it further enacted*, That all the aforefaid tract of country shall be surveyed by the Surveyor-General, as soon as may be after the first day of September next, in the manner hereinafter directed.

Mode in which the land shall be surveyed

1. So much of the said tract as lies between the northern boundary line, and the aforefaid patent of John Cleves Symmes, and associates, and Israel Ludlow's southern boundary of the seventh entire range of townships, shall be laid off into sections, agreeably to northwardly and southwardly lines, run under the direction of John Cleves Symmes; and the marks thereon made, at the time of running the aforefaid lines, for the corners of sections, shall be established by the Surveyor-General, and eastwardly and westwardly lines shall be run to intersect the aforefaid northwardly and southwardly lines, in the corresponding marked points.

2. And the residue of the said tract, lying north of the aforefaid southern boundary of the seventh entire range, shall be laid off into sections, according to such uniform rule and method, as, in the opinion of the Surveyor-General, shall best secure the rights and interest of those who are entitled to preemption.

3. Such divisions shall be made of sections, according to the claim of such who obtain preemption right, and the contents of each and every section, and such division thereof, shall be ascertained, and the Surveyor-General shall prepare and transmit a plan thereof to the aforesaid Register, immediately after the said survey shall be completed, and also forward a copy thereof to the Secretary of the Treasury.

Sec. 8. *And be it further enacted*, That all persons, availing themselves of a preemption under this act, shall make application for a section, or any part or parts of a section or sections, according to the estimated quantity of six hundred and forty acres to a section, and the amount of the excess or deficiency shall be added to or deducted from the last payment, and the purchaser shall make payment for and hold the quantity returned and expressed in the plats, let the quantity be more or less.

Applications to be made as for a section of 640 acres, &c.

Sec. 9. *And be it further enacted*, That the duties of the Surveyor-General, of the aforesaid Register and Receiver of public monies, as nearly as may be consistent with this act, shall respectively be the same as directed in and by the last recited act, and the fees and emoluments shall respectively be the same as provided in the said act last recited.

Duties and allowance of the Surveyor-General, Register and Receiver of public monies.

Sec. 10. *And be it further enacted*, That after completing the surveys, agreeably to this act, reserving the lots marked sixteen in each township, or fractional part of a township, in which the same may be, for the purposes expressed in the ordinance of Congress of the twentieth of May, one thousand seven hundred and eighty-five, the residue of the lands, and so many of the aforesaid preemptions as shall become forfeited by reason of failures of payment, shall be sold agreeably to the last recited act.

Parts of the land to be sold in a different manner.

Sec. 11. *And be it further enacted,* That this act shall have full operation and effect, any thing in any former law to the contrary notwithstanding.

Repeal of former laws within the purview of this.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCIV.

An ACT supplementary to the act, intituled " An act concerning the district of Columbia."

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the circuit courts for the district of Columbia shall be and they are hereby invested with the same power respecting constables, inspectors, and the inspection of tobacco and flour, surveyors, mills, highways and ferries, for the county of Alexandria, as have heretofore been vested in the county courts of the commonwealth of Virginia; and for the county of Washington, the same power and authority as have been heretofore exercised by the county and levy courts of the state of Maryland; with power to appoint to all other offices necessary for the said district, under the laws of the respective states of Maryland and Virginia: And all officers for whom no special provision is made by this act, or the act to which

Powers of the circuit court.

Fees of certain officers of the territory.

this is a supplement, shall receive the same fees and emoluments as they have respectively received under the jurisdiction of the respective states.

Form of indictments.

Mode of recovering and distribution of penalties.

Sec. 2. *And be it further enacted*, That all indictments shall run in the name of the United States, and conclude, against the peace and government thereof: And all fines, penalties and forfeitures accruing under the laws of the states of Maryland and Virginia, which by adoption have become the laws of this district, shall be recovered with costs, by indictment or information in the name of the United States, or by action of debt, in the name of the United States and of the informer; one half of which fine shall accrue to the United States, and the other half to the informer; and the said fines shall be collected by or paid to the marshal, and one half thereof shall be by him paid over to the Board of Commissioners hereinafter established, and the other half to the informer; and the marshal shall have the same power regarding their collection, and be subject to the same rules and regulations as to the payment thereof, as the sheriffs of the respective states of Maryland and Virginia are subject to in relation to the same.

Punishment of felonies.

Jurisdiction of the circuit court for Alexandria.

Sec. 3. *And be it further enacted*, That all felonies committed within the county of Alexandria shall be punished in the same manner as such crimes were punishable by the laws of Virginia, as they existed prior to the year one thousand seven hundred and ninety-six; and the circuit court for the said county of Alexandria shall possess and exercise the same powers and jurisdiction, civil and criminal, as is now possessed and exercised by the district courts of Virginia.

Sec. 4. *And be it further enacted*, That the magistrates, to be appointed for the said district, shall be and they are hereby constituted a Board

of Commissioners within their respective counties, and shall possess and exercise the same powers, perform the same duties, receive the same fees and emoluments, as the levy courts or commissioners of county for the state of Maryland possess, perform and receive; and the clerks and collectors, to be by them appointed, shall be subject to the same laws, perform the same duties, possess the same powers, and receive the same fees and emoluments as the clerks and collectors of the county tax of the state of Maryland are entitled to receive.

Magistrates to form a board of county commissioners.

Sec. 5. *And be it further enacted*, That the clerks of the circuit court shall, within their respective districts, be bound to perform the same duties, respecting the recording of deeds and all other services, and shall receive the same fees and emoluments for the same (except in those cases provided for in the ninth section of the act to which this is a supplement) as are now performed and received by the clerks of the counties of the respective states of Maryland and Virginia.

Duties and emoluments of the clerks of courts.

Sec. 6. *And be it further enacted*, That in all cases where the constitution or laws of the United States provide that criminals and fugitives from justice, or persons held to labour in any state, escaping into another state, shall be delivered up, the chief justice of the said district shall be, and he is hereby empowered and required to cause to be apprehended and delivered up such criminal, fugitive from justice, or persons fleeing from service, as the case may be, who shall be found within the district, in the same manner and under the same regulations as the executive authority of the several states are required to do the same; and all executive and judicial officers are hereby required to obey all lawful precepts or other process issued for that purpose, and to be aiding and assisting in such delivery.

Delivery of fugitives.

Powers of sheriffs and collectors of certain adjacent counties may be exercised within the district for the collection of certain public dues.

Sec. 7. *And be it further enacted,* That it shall be lawful for the sheriffs and collectors of public dues for the counties of Montgomery and Prince George's in the state of Maryland, and for the sheriffs of Fairfax county in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks, for the purposes of collecting by distress or otherwise, as they were heretofore authorized to do, all officers fees, state taxes and county taxes, levies, fines and other public dues, which were due on the first Monday of December one thousand eight hundred, and still remain uncollected, from persons residing or having property, subject to the payment of such officers fees, state taxes and county taxes, and levies within the said district; and all disputes or controversies that do or may arise between such sheriff or collector, and the person or persons from whom he or they may claim such public dues, shall be cognizable before and tried by the respective state courts to whom the trial of such controversies heretofore belonged, and not before the court of the district of Columbia.

Sheriffs may make certain arrests.

Sec. 8. *And be it further enacted,* That it shall and may be lawful for the sheriffs of the said counties of Montgomery and Prince George's in the state of Maryland, and for the sheriff of Fairfax county in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks, for the purpose of arresting and conducting to the respective jails under their keeping and care, as they heretofore might have done had the law to which this

is a supplement never passed, each and every person within the limits of the district of Columbia, upon whom such sheriff hath heretofore served a writ of *capias ad satisfaciendum*, *capias ad respondendum*, attachment or other process, issuing from any state court, which commands and requires such sheriff to have the body of the person before the court from which such writ or process hath issued.

Sec. 9. *And be it further enacted*, That where by this act, and the act to which this is a supplement, appointments are authorized to be made by the circuit court of the district, it shall be lawful for the chief judge, with one of the associate justices of the said court, to make such appointments.

The chief judge and one of the associate justices may make appointments.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCVI.

An ACT to amend the act altering the district of Bermuda Hundred and City Point.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passing of this act, the master or commander of any ship or vessel arriving within the districts of Petersburg or Richmond, laden with goods,

wares and merchandize, belonging or consigned to persons resident within both the said districts, shall make entry of such ship or vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such ship or vessel, shall actually reside: And the said master or commander shall, at the time of making the entry aforesaid, deliver a duplicate manifest of the cargo as now required by law, to the said collector, whose duty it shall then be, to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such goods, wares or merchandize, shall be authorized by permits from the collector of each district respectively, in which the same shall have been duly entered according to law: *Provided*, that no bona fide importer, owner or consignee of goods, wares or merchandize, residing in either district, shall be admitted to make an entry of such goods, wares or merchandize with the collector of the district, in which such importer, owner or consignee shall not reside: *And provided also*, that all entries for goods, wares or merchandize, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such ship or vessel may discharge.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCVII.

An ACT authorizing the remission of duties on certain teas destroyed by fire, while under the care of the officers of the customs, in Providence, Rhode Island.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the collector of the district of Providence, in the state of Rhode-Island, be, and he is hereby authorized and directed to remit the duties on such part of a certain quantity of teas, imported into the port of Providence, in the ship called the Resource, on the twenty-ninth day of July one thousand eight hundred, by Thomas Lloyd Halsey, John Corlis, William F. Megee, and Henry Smith, of the town of Providence, merchants, and on such part of a certain quantity of teas, imported into the said port, in the ship called the Ann and Hope, on the twenty-second day of August, in the same year, by John Innes Clark, of the said town, merchant, as remained deposited to secure the payment of duties, under the care of the officers of the customs, on the twenty-first day of January last, in the aforesaid town of Providence, and shall be proved, to the satisfaction of the said collector, to have been burned and destroyed.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCVIII.

An ACT making appropriations for the support of Government for the year one thousand eight hundred and one.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the support of government, and to discharge certain claims and expenses hereafter enumerated, the following sums be and are hereby appropriated, that is to say:

Specific ap-
propria-
tions.

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

For the like compensation to the members of the Senate and House of Representatives, their officers and attendants, one hundred and ninety-three thousand four hundred and seventy dollars.

For the contingent expenses of the two houses of Congress, including the payment of certain articles of furniture purchased for the accommodation of Congress, and not provided for by former appropriations, seventeen thousand dollars.

For the compensation granted by law to the judges of the United States, the attorney-general, the district attorneys, and marshals, eighty-three thousand four hundred dollars.

For defraying the expenses of courts, jurors and witnesses, and for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

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

For expenses of stationary, printing, translating foreign languages, allowance to persons employed in receiving and transmitting passports and sea-letters, and all other contingent expenses in the office of the Secretary of the Treasury, eight hundred dollars. Specific ap-
propriations.

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

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

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

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

For compensation to the Treasurer, clerks and other persons employed in his office, six thousand three hundred and forty-eight dollars, ninety-eight cents.

For expense of stationary, printing, and all other contingent expenses in the Treasurer's office, three hundred dollars.

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

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

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

Specific ap-
propria-
tions.

For expense of stationary, printing, and all other contingent expenses in the Register's office, two thousand eight hundred dollars.

For compensation to the Superintendent of Stamps, clerks, and persons employed in his office, and for making good a deficiency in former appropriations for the stamp-office, five thousand nine hundred and ninety dollars, twenty-four cents.

For expense of stationary, printing, and all other contingent expenses in the stamp-office, six hundred dollars.

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

For fire-wood and candles for the offices of the treasury, including the stamp-office, and other contingencies, four thousand dollars.

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

For making good the deficiency of former appropriations, for the expense of removing the books and records of the treasury from Philadelphia to Trenton, in the year one thousand seven hundred and ninety-nine, two thousand six hundred and thirty-nine dollars, seventy-six cents.

For the expense of new office furniture for the treasury, at the city of Washington, two thousand dollars.

For flooring the treasury, and incidental expenses for securing the buildings and records of the treasury, three hundred and fifty-nine dollars, eighty-three cents.

For paying two watchmen for the treasury, six hundred dollars.

For the expense of two buildings for messen-

gers of the treasury, and sinking two wells for the treasury, five thousand one hundred and twenty-two dollars. Specific appropriations.

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

For compensation to the clerks of the commissioners of loans, and an allowance to certain loan-officers in lieu of clerk hire, twelve thousand one hundred dollars.

For defraying the authorized expenses of the several loan-offices, two thousand nine hundred dollars.

For compensation to the Secretary of State, clerks, and persons employed in his office, eleven thousand three hundred and sixty dollars.

For the contingent expenses of the office of state, thirteen thousand five hundred dollars.

For compensation to the director of the mint, officers, clerks, and other persons, employed in the mint establishment, seventeen thousand six hundred dollars.

For repairs, and all other contingent expenses in the mint establishment, six thousand three hundred dollars.

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

For the compensation of two additional clerks employed by the Secretary at War in copying papers in the office of the Secretary of the Treasury, to replace those lately burnt in the war-office, one thousand two hundred dollars.

For such additional compensation to the clerks of the several departments of the treasury, of state, of war, of the navy, and of the general post-office, not exceeding for each department, respectively, fifteen per cent. in addition to the sums allowed by the act, intituled " An act to regulate and fix the compensation of clerks, as

Specific ap-
propriations.

the Secretaries of the said departments and the Post-master-general, may respectively think reasonable for the present year, to be distributed as the said Secretaries and the Post-master-general, respectively, shall think proper, to the clerks in their departments, respectively, eleven thousand eight hundred and eighty-five dollars.

For an additional allowance to the chief clerk in the office of the Secretary of the Navy, for his services in the year one thousand eight hundred, the sum of three hundred dollars.

For contingent expenses attending the office of Secretary of War, and to make good the deficiency of former appropriations, five thousand dollars.

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

For contingent expenses in the accountant's office, one thousand dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for contingent expenses of the same, four thousand four hundred and sixty-six dollars.

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

For contingent expense in the office of the Secretary of the Navy, three thousand three hundred dollars.

For compensation to the accountant of the navy department, clerks, and persons employed in his office; and to make good a deficiency in the appropriation of the last year, eleven thousand four hundred and forty-nine dollars, forty-one cents.

For the contingent expenses in the accountant's office, seven hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks, and persons employed in the general post-office, nine thousand nine hundred and sixty dollars. Specific appropriations.

For the contingent expense in the general post-office, two thousand one hundred and twelve dollars, fifty cents.

For compensation to the Surveyor-General, the contingent expenses in his office, and the expense of executing surveys of the public land north-west of the river Ohio, twenty-eight thousand two hundred dollars.

For salaries to the governor, secretary, and judges of the territory north-west of the river Ohio, and the contingent expenses of that government, five thousand five hundred dollars.

For salaries to the governor, secretary, and judges of the Mississippi territory, and the contingent expenses of that government, five thousand five hundred dollars.

For salaries, to the governor, secretary, and judges of the Indiana territory, and the contingent expenses of that government, five thousand five hundred dollars.

For the discharge of such demands against the United States unprovided for, as shall be ascertained and admitted in due course of settlement at the Treasury, two thousand dollars.

For satisfying annuities and grants to Isaac Van Wart, John Paulding, David Williams, Joseph De Bealeau, Joseph Traversie, James M'Kenzie, Joseph Brussels, Elizabeth Bergen, and the children of major Alexander Trueman, and colonel John Harding, one thousand seven hundred and fifty-three dollars thirty-three cents.

For the expenses of intercourse with foreign nations during the present year, and making good the deficiency of the appropriation for the year

Specific ap-
propria-
tions,

one thousand eight hundred, for the expense of the mission to France, eighty-five thousand dollars.

For carrying into effect the treaty of amity, commerce and navigation, between the United States, and the king of Great-Britain, fifty-eight thousand eight hundred and sixty-four dollars.

For a deficiency of former appropriations for carrying into effect the treaty between the United States and the king of Spain, forty-six thousand five hundred dollars.

For fulfilling the engagements of the United States with the Mediterranean powers, two hundred and fifty-six thousand dollars.

For prosecuting the claims of American citizens for property captured by the belligerent powers, sixty-four thousand dollars.

For the relief of American seamen, thirty thousand dollars.

For defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States, forty thousand dollars.

For the support of light-houses, beacons, buoys and public piers, and other improvements in navigation, thirty-eight thousand six hundred and twenty-two dollars, seventy cents.

For discharging the expense of the second enumeration of the inhabitants of the United States, the sum of sixty thousand dollars.

For discharging such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted at the Treasury, which, according to the usage thereof, require payment in specie, four thousand dollars.

For the expense of returning the votes for President and Vice-President of the United States, one thousand five hundred and twenty-four dollars, fifty cents.

For repairing the building occupied by the treasury department, the sum of two thousand dollars.

For satisfying the claim of Clement Biddle, twenty-nine thousand eight hundred and fifty-six dollars, sixty-three cents.

For erecting a light-house at old Point Comfort, the sum of three thousand five hundred dollars.

Sec. 2. *And be it further enacted*, That the several appropriations, herein before made, shall be paid and discharged out of any monies in the Treasury, not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER XCIX.

An ACT directing the mode of estimating certain foreign coins and currencies, and of making out invoices in certain cases.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passing of this act, the foreign coins and currencies herein after mentioned, shall be estimated in the computation of duties, at the following rates; each sicca rupee of Bengal and each rupee of Bombay, at fifty cents; and each star pagoda of Madras, at one hundred and

eighty-four cents ; any thing in any former act to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That from and after the thirtieth day of June next, the invoices of all goods, imported into the United States, and subject to a duty ad valorem, shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such goods, in such foreign currency or currencies, without any respect to the value of the coins of the United States, or foreign coins, which now are, or shall be by law made current within the United States, in such foreign place or country.

THEODORE SEDGWICK,

Speaker of the House of Representatives,

JAMES HILLHOUSE,

President of the Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER C.

An ACT to augment the salaries of the district judges in the districts of Massachusetts, New-York, New-Jersey, Delaware and Maryland, respectively.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That instead of the compensation at present allowed to the district judges for the districts of Massachu-

setts, New-York, Delaware, and Maryland, respectively, there shall hereafter be allowed to the district judge for the district of Massachusetts, the yearly salary of sixteen hundred dollars; to the district judge for the district of New-York, the yearly salary of sixteen hundred dollars; to the district judges for the districts of New-Jersey and Delaware, the yearly salaries of twelve hundred dollars each, and to the district judge for the district of Maryland, the yearly salary of sixteen hundred dollars, to be paid at the treasury of the United States in quarter yearly payments.

Sec. 2. *And be it further enacted*, That for the year one thousand eight hundred and one there shall be appropriated the sum of eight hundred dollars, to satisfy the additional compensation hereby allowed to the district judges, to be paid out of any monies in the treasury not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives,

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER CI.

An ACT in addition to an act, intituled " An act making provision for the further accommodation of the household of the President of the United States."

Sec. 1. **B**E 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 authorized to appoint a proper person, who shall receive the public property belonging to the household of the President of the United States, and, after taking an inventory of the same, shall deliver it, after the third day of March instant, to the President of the United States.

Sec. 2. *And be it further enacted*, That such articles of the furniture belonging to the President's household as may be decayed, out of repair, or unfit for use, and as the President of the United States for the time being, may direct, and all the public property, other than furniture, now belonging to the said household, shall be sold, under the direction of the heads of the several departments of state, of the treasury, of war, and of the navy; and that the proceeds of such sales be expended, in addition to the funds already appropriated for that purpose, under the direction of the same officers, for the purpose of providing furniture for the house erected for the accommodation of the President of the United States.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER CII.

An ACT making appropriations for the navy of the United States, for the year one thousand eight hundred and one.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for

defraying the expenses of the navy of the United States, for the year one thousand eight hundred and one, there shall be, and hereby is appropriated the sum of three millions forty-two thousand three hundred and fifty-two dollars and ninety-five cents; that is to say:

For the pay of the officers of the navy of the United States, the sum of three hundred and eighty-two thousand seven hundred and eighty-eight dollars.

For the subsistence of the officers of the navy, the sum of sixty-nine thousand eight hundred and two dollars and sixty cents.

For the pay of the seamen, the sum of eight hundred and sixteen thousand six hundred and sixty dollars.

For provisions, the sum of five hundred and ninety-seven thousand one hundred and one dollars and thirty-seven cents.

For the expenses of medicines, hospitals, and hospital stores, the sum of thirty-one thousand six hundred and forty-seven dollars, and twenty cents.

For the contingent expenses of the navy, including expenditure of military stores, the sum of three hundred and forty-four thousand six hundred dollars.

For salaries to store-keepers, clerks, store-rent, labourers, and other contingencies, the sum of thirty-seven thousand eight hundred and fifty dollars.

For the pay of the officers, non-commissioned officers, and privates of the marine corps, the sum of ninety-nine thousand two hundred and thirty-four dollars.

For the subsistence of the officers and privates of the marine corps, the sum of eleven thousand four hundred and eighty-six dollars and ten cents.

Specific ap-
propriations.

For clothing for the marine corps, the sum of thirty-three thousand five hundred and eighty-one dollars, and thirty cents.

For military stores for the marine corps, the sum of nine thousand one hundred and sixty-six dollars, and thirty-eight cents.

For the contingent expenses of the marine corps, including camp-equipage, quarter-master, barrack-master, hospital stores, stationary, and other contingencies, the sum of thirteen thousand four hundred and thirty-six dollars.

For the expenses attending six seventy-four gun ships, and for completing navy-yards, docks, and wharves, the sum of five hundred thousand dollars.

For erecting marine barracks, the sum of twenty thousand dollars.

For maintenance of French prisoners, the sum of thirty thousand dollars.

For making up deficiency of former appropriations for the maintenance of French prisoners, the sum of forty-five thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid out of the unexpended balance of appropriations for the navy, at the close of the last year, and out of any other monies in the treasury not otherwise appropriated.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 3d, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER CIII.

An ACT for altering the times and places of holding certain courts therein mentioned, and for other purposes.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the circuit courts of the United States, within the districts of Maine, New-Hampshire, Massachusetts and Rhode-Island, shall, after the passing of this act, commence and be respectively held on the several days hereinafter expressed, instead of the times heretofore established by law: that is to say: in and for the district of Rhode-Island, at Providence, on every first day of April, and at New-Port on every eleventh day of November; in and for the district of Massachusetts, on every eighth day of April and twenty-fifth day of October; in and for the district of New-Hampshire, at Portsmouth, on every twenty-third day of April, and at Exeter on every fifteenth day of October; in and for the district of Maine, at Portland, on every first day of May, and at Wiscasset on every sixth day of October, except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following.

Times and places of holding the circuit courts of Maine, N. Hampshire, Massachusetts, altered.

Sec. 2. *And be it further enacted,* That all actions, suits, process and other proceedings of what nature or kind soever, depending and undetermined before the circuit courts aforesaid respectively, or that shall be depending and undetermined on the first day of April next, before the district court for the district of Maine, acting as a circuit court, shall be continued to the next circuit courts respectively, hereby directed

Continuances to those courts

to be holden in and for the districts aforesaid, respectively.

Causes to
be proceed-
ed on there-
in.

Sec. 3 *And be it further enacted*, That all writs and processses which have been, or shall be duly sued out and made returnable to either of the circuit courts aforesaid, or to the district court for the district of Maine, acting as a circuit court, on either of the days on which the same courts were respectively to have been held, prior to the passing of this act, and all recognizances that have been or shall be duly taken and made so returnable (said writs and processses having been duly and seasonably served) shall be returned to and proceeded upon in the said next circuit courts respectively, which are next to be holden in and for the districts aforesaid, respectively, as hereby directed; and all property attached by virtue of such writs or processses, shall be held in due form of law to respond the final judgments that shall be obtained upon the same respectively.

Times and
places of
holding the
district
courts in
N. Caroli-
na, altered.

Sec. 4. *And be it further enacted*, That the district courts of the United States, in the state of North-Carolina, shall, after the passing of this act, commence and be held on the several days hereinafter expressed, instead of the times heretofore established by law, that is to say: at Edenton in and for the district of Albemarle on every last Monday of March, third Monday of June, and last Monday of November; at Newbern in and for the district of Pamptico, on every first Monday of April, fourth Monday of June and first Monday of December; and at Wilmington in and for the district of Cape Fear, on every second Monday of April, first Monday of July and second Monday of December.

Sec. 5. *And be it further enacted*, That all actions, suits, writs, process, pleadings and other

proceedings commenced, instituted, depending or existing in the district courts of the districts of New-Jersey and North-Carolina, at the time of the passing of this act, shall be continued in manner following, that is to say; all such commenced, instituted, depending or existing in the district court of the district of New-Jersey, to the next district court to be holden in the district of East-Jersey; and all such commenced, instituted, depending or existing in the district court of the district of North-Carolina, shall be continued to the next district court to be holden in the district of Pamptico.

Continu-
ance of
causes in the
district
courts of N.
C.rolina
and N. Jer-
sey.

Sec. 6. *And be it further enacted*, That from and after the passing of this act, the circuit court of the United States for the district of Kentucky, shall be holden at Frankfort, within and for said district, on the days already established by law, instead of at Beardstown, any thing in any other law to the contrary notwithstanding.

Place of
holding the
circuit
court in
Kentucky.

Sec. 7. *And be it further enacted*, That the chief judge of the district of Columbia shall hold the district courts of the United States in and for the district of Potomac, and shall have, exercise and perform, within the said district of Potomac, all the powers and duties now possessed, exercised and performed by the district judges of the United States within their respective districts.

Chief judge
of Colum-
bia to be
the judge
of Potomac
district.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER CIV.

An ACT to amend the act, intituled “ An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States,” and to repeal the act, intituled “ An act to enlarge the powers of the surveyors of the revenue.”

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That each surveyor of the revenue who has been or shall be appointed under the act, intituled “ An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States,” after completing the lists of the sums payable, for every dwelling house and slave within the district to which such surveyor does or shall belong, and delivering the same to the collector of the revenue, and after taking receipts for such lists from the collector, in the manner provided by the act, intituled “ An act to lay and collect a direct tax within the United States,” shall transmit to the supervisor of the district, or to the inspector of survey, in any district comprehending more than one survey of inspection, to which such surveyor does or may belong, the receipts given by the collector for such lists, together with all the records of the lists, valuations and enumerations, which he has received or shall receive, or which doth or shall exist in his office under authority of the act first mentioned; and it shall be the duty of such supervisor or inspector to receive such receipts, records and papers, and safely to preserve the same.

Sec. 2. *And be it further enacted, That so much of the act, intituled “ An act to provide*

Surveyors of the revenue to make certain returns to the supervisors and inspectors of the revenue.

for the valuation of lands and dwelling houses, and the enumeration of slaves," as makes it the duty of the surveyors of the revenue to record the transfers of lands or dwellings houses, included in the said valuations, and to view and apportion the value of such land or dwelling houses as shall be divided by sale or partition, and to value and assess new dwelling houses and lands which are exempted, but which shall cease to be exempted from taxation by the laws of the state, where the same shall be situated, and to cancel or reduce the valuation of dwelling houses, which may be damaged or destroyed by fire or other accidents, shall be and the same is hereby repealed.

Repeal of
part of the
former act.

Sec. 3. *And be it further enacted*, That the act, intituled "An act to enlarge the powers of the surveyors of the revenue," passed on the thirteenth day of May, in the year one thousand eight hundred, shall be and the same is hereby repealed.

Repeal of a
former act.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

TH: JEFFERSON, *Vice-President of the
United States and President of the Senate.*

APPROVED—February 27th, 1801.

JOHN ADAMS,

President of the United States.

CHAPTER CV.

An ACT for erecting light houses on New Point Comfort, and on Smith's Point, in the state of Virginia, and on Faulkner's Island in Long Island Sound, in the state of Connecticut, and for placing buoys in Naraganset Bay.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That as

Light
houses to be
erected on
New Point
Comfort
and on
Smith's
Point.

soon as a cession shall be made by the state of Virginia to the United States, of the jurisdiction over the land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to provide by contract, to be approved by the President of the United States, for building a light house on New Point Comfort, and another light house on Smith's Point, both in the state aforesaid, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the persons, who may be appointed by the President for the superintendance and care of the same, and that the President be authorized to make the said appointments.

A light
house to be
erected on
Faulkner's
Island.

Sec. 2. *And be it further enacted,* That as soon as a cession shall be made by the state of Connecticut, of the jurisdiction over the land proper for the purpose, the Secretary be, and he is hereby authorized to provide by contract, to be approved by the President of the United States, for building a light house on Faulkner's Island, in Long Island Sound, in the said state of Connecticut, and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons appointed by the President for the superintendance and care of the same, and that the President be authorized to make the said appointments.

Buoys to be
placed in
Naraganset
Bay.

Sec. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be placed one buoy on the shoal south of Kinnimicut Point, and one buoy on a ledge called the half way rock, in the Narraganset Bay, in the state of Rhode-Island.

Appropriation.

Sec. 4. *And be it further enacted,* That there be appropriated and paid, out of the monies arising from imports and tonnage, the sum of

five thousand dollars for the purpose of erecting the light house as aforesaid on New Point Comfort; the sum of nine thousand dollars for the purpose of erecting the light house as aforesaid on Smith's Point; and the sum of six thousand dollars for erecting the light house as aforesaid on Faulkner's Island in Long Island Sound, and the sum of one hundred and fifty dollars for placing two buoys as aforesaid in the Narraganset Bay, in the state of Rhode-Island.

THEODORE SEDGWICK,

Speaker of the House of Representatives,

JAMES HILLHOUSE,

President of the Senate pro tempore,

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

CHAPTER CVI.

An ACT further to alter and to establish certain post-roads.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following post-roads be discontinued:

From Lancaster to New-Holland in Pennsylvania.

From Greenville in Tennessee, by the Warm Springs, to Buncomb court-house.

From Elizabeth city in North-Carolina, by New-Lebanon, to North-West river bridge.

From Upper Malborough to Piscataway.

From Henderon court-house to Muhlenberg court-house.

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

Certain
post-roads
to be dis-
continued.

New post-roads established.

IN MAINE—

From Standish to Fryburg.

IN NEW-HAMPSHIRE—

From Amherst by Francis-town, Washington and Claremont, to Windsor in Vermont.

IN VERMONT—

From Bennington to Brattleborough.

From Newbury by Bradford, Corinth, Washington and Barre, to Montpelier.

IN MASSACHUSETTS—

From Leominster, through Westminster, Templeton and Athol, to Greenfield.

From Worcester, by Mendon, to Providence, and from Worcester to Lancaster.

IN RHODE-ISLAND—

From Providence, by Rehoboth and Attleborough, to Taunton, Massachusetts.

IN NEW-YORK—

From Albany, by Duaneburg and Durlock, to Cherry Valley.

From Poughkeepsie, by Sharon, to Litchfield.

IN DELAWARE—

From George-town, by Concord and the village of Laurel, to Salisbury.

IN MARYLAND—

From Annapolis to Easton, by Young Haddaways.

From Annapolis to Centre-ville, by Kent-issland.

From the city of Washington to Piscataway.

From Elkton, by Warwick and Bridge-town, to Greensborough, in Caroline county.

From the city of Washington, by Brookville and W. Hobbs's in Frederick county, to Taneyton.

From the city of Washington to Wiley's tavern in Fairfax county, Virginia.

IN PENNSYLVANIA—

From Pittsburgh, by George-town and Canfield, to Warren in the North-western territory.

From Berwick to Wilkesbarre.

IN VIRGINIA—

From Richmond to Charles city court-house. New post-roads established.

From Clarkeburg to Marietta.

From Romney to Morganton or Clarkeburg.

From Alexandria, by Thomas's ferry, to Piscataway in Maryland.

From Halifax court-house to Danville.

From Bowling-green, by Broaddus's mill, S. Harrison's and Dunkirk, to New Kent court-house.

The post-road from Jerusalem to Hicks's ford shall pass by the Cross-keys, and from the Cross-keys to Murfreesborough.

From Petersburg, by Suffex court-house, to Southampton court-house.

From James-town to Farm-ville.

The mail from Mecklenberg court-house in Virginia, to Christian-ville, shall be carried by Marshall's and Wilson's store.

IN THE NORTH-WESTERN TERRITORY,

From Cincinnati to Detroit.

IN INDIANA TERRITORY—

From Vincennes, by Kaskaskias, to Kahokia.

IN KENTUCKY—

From Harding court-house to Breckenridge court-house, to Henderson court-house, Eddy Grove and Eddy-ville, to Fort Maffac.

From Breckenridge court-house, by Hartford and Vienna, to Muhlenberg court-house.

IN TENNESSEE—

From Knoxville, by Sevierville, New-port and the Warm Springs, to Buncomb court-house.

From New-port by Cheek's cross-roads to Orefville.

IN THE MISSISSIPPI TERRITORY—

From Natchez to the southern boundary line of the United States.

IN NORTH-CAROLINA—

New post-roads established.

The post-road from Raleigh to Chatham court-house, shall pass through Haywoodsborough.

The post-road from Raleigh to Newbern, shall pass through Green county.

From Elizabeth city to Indian-town and Tull's creek, to North-west river bridge.

The post-road from Winton to Windsor shall pass through Pitch-landing and Colerain.

From Louisburg, by Nash court-house, to Tarborough.

From Charlotte court-house to York court-house, in South-Carolina.

From Charlotte to Camden, in South-Carolina.

Privilege of franking extended to John Adams.

Sec. 3. *And be it further enacted*, That all letters and packets from John Adams, now President of the United States, after the expiration of his term in office, and during his life, shall be received and conveyed by post free of postage.

Sec. 4. *And be it further enacted*, That this act shall not be construed to affect any existing contracts.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate pro tempore.

APPROVED—March 3d, A. D. 1801.

JOHN ADAMS,

President of the United States.

RESOLUTION *respecting certain property of the United States in the possession of Thomas Claxton, James Matbers and Thomas Dunn, door-keepers to Congress.*

RESOLVED *by the Senate and House of Representatives of the United States of America, in Congress assembled*, That Thomas Claxton,

James Mathers and Thomas Dunn, be permitted to occupy, free of rent, until otherwise directed by Congress, the houses now in their respective possession, the property of the United States, in the public square in the city of Washington on which the Capitol stands, together with a small piece of ground contiguous to each, for a garden, to be inclosed in such a manner as not to interfere with any of the public streets or avenues passing through the said square.

THEODORE SEDGWICK,

Speaker of the House of Representatives.

JAMES HILLHOUSE,

President of the Senate, pro tempore.

APPROVED—March 2d, A. D. 1801.

JOHN ADAMS,

President of the United States.

BY JOHN ADAMS,

President of the United States of America,

A PROCLAMATION.

WHEREAS a Treaty of Amity and Commerce, between the United States of America and his Majesty the King of Prussia, was concluded and signed at Berlin on the eleventh day of July, in the year of our Lord one thousand seven hundred and ninety-nine, by the Plenipotentiaries of the said United States and of His Majesty the King of Prussia, duly and respectively authorized for that purpose; which Treaty is in the words following, to wit:

TREATY

OF

Amity and Commerce

BETWEEN

HIS MAJESTY THE KING OF PRUSSIA,

AND THE

UNITED STATES OF AMERICA.

HIS Majesty the King of Prussia, and the United States of America, desiring to maintain upon a stable and permanent footing, the connections of good understanding, which have hitherto so happily subsisted between their respective States, and for this purpose to renew the Treaty of Amity and Commerce concluded between the two Powers, at the Hague, the 10th of September 1785, for the term of ten years, his Prussian Majesty has nominated and constituted as his Plenipotentiaries, the Count Charles William de Finkenstein, his Minister of State, of War, and of the Cabinet, Knight of the orders of the black Eagle and of the red Eagle, and commander of that of St. John of Jerusalem, the Baron Philip Charles d'Alvensleben, his Minister of State, of War, and of the cabinet, Knight of the orders of the black Eagle and of the red Eagle, and of that of St. John of Jerusalem, and the Count Christian Henry Curt de Haugwitz, his Minister of State, of War, and of the cabinet, Knight of the orders of the black Eagle and of the red Eagle; and the President of the United States has furnished with their full

TRAITE'

D'Amitié et de Commerce

ENTRE

SA MAJESTE LE ROI DE PRUSSE,

ET LES

ETATS UNIS DE L'AMERIQUE.

SA Majesté le Roi de Prusse et les Etats Unis de l'Amerique, desirant d'entretenir sur un pied stable et permanent les liaisons de bonne intelligence, qui ont si heureusement subsisté jus'quici, entre leurs Etats respectifs, et de renouveler pour cet effet le Traité d'Amitié et de Commerce, qui a été conclu entre les deux puissances à la Haye le 10 Septembre 1785, pour le terme de dix années, sa Majesté Prussienne a nommé et constitué ses Plenipotentiaires, le Sieur Charles Guillaume, Comte de Finkinstein, son Ministre d'etat, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge, et commandeur de celui de St. Jean de Jérusalem; le Sieur Philippe Charles, Baron d'Alvensleben, son ministre d'etat, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge, et de celui de St. Jean de Jérusalem, et le Sieur Chretien Henri Curce Comte de Haugwitz, son ministre d'etat, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge; et les President des Etats Unis a muni de leur plein-pouvoir Jean Quincy Adams,

powers, John Quincy Adams, a citizen of the United States, and their Minister Plenipotentiary at the court of his Prussian Majesty; which Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded, settled, and signed the following articles.

ARTICLE I.

Peace and
friendship
established.

There shall be in future, as there has been hitherto, a firm, inviolable, and universal Peace, and a sincere Friendship, between his Majesty the king of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America, and their citizens on the other, without exception of persons or places.

ARTICLE II.

Privileges
of Prussian
subjects
trading to
the United
States.

The subjects of his Majesty, the King of Prussia, may frequent all the coasts and countries of the United States of America, and reside and trade there, in all sorts of produce, manufactures and merchandize, and shall pay there no other or greater duties, charges or fees whatsoever, than the most favoured nations are or shall be obliged to pay. They shall also enjoy, in navigation and commerce, all the rights, privileges and exemptions, which the most favoured nation does or shall enjoy, submitting themselves nevertheless to the established laws and usages, to which are submitted the citizens of the United States, and the most favoured nations.

ARTICLE III.

In like manner the citizens of the United States of America may frequent all the coasts

citoyen des Etats Unis, et leur ministre plenipotentiaire à la Cour de sa Majesté Prussienne; lesquels plenipotentiaires après avoir échangé leurs plenipouvoirs trouvés en bonne et due forme, ont conclu, arrêté et signé les Articles suivans :

ARTICLE I.

IL y aura dans la suite, comme par le passé, une paix ferme, inviolable et universelle, et une amitié sincère entre sa Majesté le Roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis de l'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

ARTICLE II.

Les sujets de sa Majesté le Roi de Prusse pourront frequenter toutes les côtes et les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de productions, manufactures et marchandises, et n'y payeront d'autres ni de plus forts impots, charges, ou droits, que ceux que les nations les plus favorisées sont ou seront obligées de payer. Ils jouiront aussi dans la navigation, et le commerce, de tous les droits, privilèges, et exemptions dont jouit ou jouira la nation la plus favorisée, se soumettant néanmoins aux loix et usages établis, auxquels sont soumis les citoyens des Etats Unis, et les nations les plus favorisées.

ARTICLE III.

Pareillement les citoyens des Etats Unis de l'Amérique pourront frequenter toutes les côtes et tout les pays de sa Majesté le Roi de Prusse, y

Commer-
cial privi-
leges.

and countries of his Majesty the King of Prussia, and reside and trade there, in all sorts of produce, manufactures and merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges or fees whatsoever, than the most favoured nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the established laws and usages, to which are submitted the subjects of his Majesty the King of Prussia, and the subjects and citizens of the most favoured nations.

ARTICLE IV.

More especially, each party shall have a right to carry their own produce, manufactures and merchandize, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them, and thence to take the produce, manufactures and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying in both cases, such duties, charges, and fees only, as are or shall be paid, by the most favoured nation. Nevertheless, his Majesty the King of Prussia and the United States, respectively, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country, of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit in their respective countries the importation and exportation of all merchandize whatsoever, when reasons of state shall require

résider et trafiquer en toutes fortes de productions, manufactures et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits, dans les domaines de sa dite Majesté, que ceux que la nation la plus favorisée est ou sera obligée de payer, et ils jouiront de tous les droits, privilèges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée, se soumettant néanmoins aux loix et usages établis, auxquels sont soumis les sujets de sa Majesté le Roi de Prusse et les sujets et citoyens des nations les plus favorisées.

ARTICLE IV.

En particulier chacune des deux nations aura le droit d'importer ses propres productions, manufactures, et marchandises à bord de ses propres batimens, ou de tel autre, dans toutes les parties des domaines de l'autre, ou il sera permis à tout les sujets et citoyens de l'autre nation de les acheter librement, comme aussi d'y charger les productions, manufactures et marchandises de l'autre, que tous les dits sujets ou citoyens auront la liberté de leur vendre, en payant dans l'un et l'autre cas tels impôts, droits, et charges seulement, qui sont ou seront payés par la nation la plus favorisée. Cependant sa Majesté le Roi de Prusse et les États Unis de l'Amérique se réservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production, ou la manufacture, d'établir envers cette nation des réglemens reciproques, se réservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, dès que la raison d'état l'exige. En ce cas les sujets ou ci-

Commer-
cial privi-
leges.

it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE VI.

That the vessels of either party, loading within the ports or jurisdiction of the other, may not be uselessly harrassed, or detained, it is agreed, that all examinations of goods, required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

ARTICLE VII.

Each party shall endeavour by all the means in their power to protect and defend all vessels and

toyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des parties contractantes permet à quelque autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

ARTICLE V.

Les marchands, commandans de vaisseaux et autres sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la juridiction de l'autre, de decharger aucunes fortes des marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement, plus longtems qu'il ne leur plaira.

ARTICLE VI.

Pour éviter que les vaisseaux de l'une des deux parties contractantes ne foyent inutilement molestés, ou detenus, dans les ports ou sous la juridiction de l'autre, il a été convenu, que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne foyent chargées sur le navire, et qu'ensuite elles ne seront plus assujetties à aucune visite. Et en general il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illegalement des marchandises prohibées. Dans ce cas celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordres, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises ou le vaisseau saisis ou detenus par cette raison.

ARTICLE VII.

Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de

Protection of property within the jurisdiction of each party. other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII.

Vessels coming on the coast or entering a port without wishing to break bulk. The vessels of the subjects or citizens of either party, coming on any coast, belonging to the other, but not willing to enter into port, or who entering into port are not willing to unload their cargoes or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country, where they are established.

ARTICLE IX.

Shipwrecks When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance, which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a

protéger, et de défendre tous les vaisseaux, et autres effets appartenant aux citoyens ou sujets de l'autre, et se trouvant dans l'étendue de sa juridiction par mer ou par terre, et elle employera tous ses efforts pour recouvrer, et faire restituer aux propriétaires legitimes, les vaisseaux et effets, qui leur auront été enlevés dans l'étendue de sa dite juridiction.

ARTICLE VIII.

Les vaisseaux des sujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenant à l'autre, mais n'ayant pas dessein d'entrer au port, ou, qui, en y entrant, ne voudroient pas décharger leurs cargaisons, ou rompre leur charge, auront la liberté de repartir, et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur cargaisons, ni de payer aucuns impots, charges, ou droits quelconques, excepté ceux établis sur les vaisseaux une fois entrés dans le port, et destinés à l'entretien du port même, ou à d'autres établissemens, qui ont pour but la sûreté et la commodité des navigateurs; lesquels droits, charges et impôts seront les mêmes, et se payeront sur le même pied qu'ils sont acquittés par les sujets ou citoyens de l'état où ils sont établis.

ARTICLE IX.

Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué ou souffert quelque autre dommage, sur les côtes ou sous la domination de l'autre, les sujets ou citoyens respectifs recevront tant pour eux, que pour leurs vaisseaux et effets, la même assistance, qui auroit été fournie aux habitans du pays où l'accident arrive, et ils payeront

like case; and if the operations of repair shall require that the whole or any part of the cargo be unladed, they shall pay no duties, charges or fees on the part, which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

Alienation
of personal
estate.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to the said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them.

Real estate
within the
dominions
of one party
falling upon
the subjects
of the other.

And if question should arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land, wherein the said goods are. And where, on the death of any person, holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation,

ront feulment les mêmes charges et droits auxquels les dits habitans auroient été affujettis en cas pareil. Et fi la r paration du vaiſſeaux exigeoit que la cargaiſon fut déchargée en tout ou en partie, ils ne payeront aucun impôt, charge, ou droit, de ce qui fera rembarqué et importé. L'ancien et barbare droit de naufrage fera entièrement aboli à l'gard des ſujets ou citoyens des deux parties contractantes.

ARTICLE X.

Les citoyens ou ſujets de l'une des parties contractantes auront, dans les etats de l'autre, la liberté de diſpoſer de leurs biens perſonnels, ſoit par teſtament, donation, ou autrement, et leurs héritiers, etant ſujets ou citoyens de l'autre partie contractante, ſuccéderont à leurs biens, ſoit en vertu d'un teſtament, ou ab inteſtat, et ils pourront en prendre poſſeſſion, ſoit en perſonne, ſoit par d'autres agiſſant en leur place, et en diſpoſer à leur volonté, et ne payant d'autres droits, que ceux auxquels les habitans du pays, où la ſucceſſion eſt devenu vacante, ſont affujettis en pareille occurrence. Et en cas d'abſence des hèretiers, on prendra provisoirement des biens qui leur ſont échus les mêmes ſoins, qu'on auroit pris en pareille occaſion des biens des natifs du pays, juſqu'à ce que le propri taire legitime ait agréé des arrangemens pour recueillir l'héritage. S'il s'élève des conteſtations entre differens pretendans ayant droit à la ſucceſſion, elles ſeront décidées en dernier reſſort ſelon les loix et par les juges du pays où la ſucceſſion eſt vacante. Et ſi par la morte de quelque perſonne, poſſédant des biens fonds ſur le territoire de l'une des parties contractantes, ces biens fonds venoient à paſſer, ſelon les loix du pays, à un citoyen ou ſujet de l'autre partie ; celui-ci, ſi, par ſa qualité d'étranger, il eſt inhabile de les poſſéder, obtiendra un délai convenable

and exempt from all rights of detraction on the part of the government of the respective States. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by his Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XI.

Freedom of conscience, worship, &c. The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, and no person shall be molested in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

Relative to the principle of free ships making free goods. Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which *free ships make free goods*, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree either separately between themselves, or jointly with other powers alike interested, to concert with the great maritime powers of Europe, such arrangements and such permanent principles, as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if in the interval, either

pour les vendre, et pour entretenir le provenu sans obstacle, et exempté de tout droit de retenue de la partie du gouvernement des états respectifs. Mais cet article ne dérogera en aucune manière à la force des loix qui ont déjà été publiées, ou qui le feront dans la suite par sa Majesté le Roi de Prusse pour prévenir l'emigration de ses sujets.

ARTICLE XI.

Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans les états de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour insulte faite à la religion de l'autre. Du plus si des sujets et citoyens de l'une des parties contractantes venoient à mourir dans la juridiction de l'autre, les corps seront enterrés dans les endroits où l'on a la coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protégés contre toute violence et trouble.

ARTICLE XII.

L'expérience ayant démontré, que le principe adopté dans l'Article XII. du Traité de 1785, selon lequel *les vaisseaux libres rendent aussi les marchandises libres*, n'a pas été suffisamment respecté dans les deux dernières guerres, et nommément dans celle qui dure encore, les deux parties contractantes se réservent de s'entendre après le retour de la paix générale, soit séparément entr'elles, soit conjointement avec d'autres puissances co-intéressés pour concerter avec les grandes puissances maritimes de l'Europe, tels arrangements et tels principes permanens, qui puissent servir à consolider la liberté et la sûreté de la navigation et du commerce neutres dans les guerres futures.

of the contracting parties should be engaged in a war, to which the other should remain neutral, the ships of war and privateers of the belligerent power shall conduct themselves towards the merchant vessels of the neutral power, as favourably as the course of the war then existing may permit, observing the principles and rules of the law of nations, generally acknowledged.

ARTICLE XIII.

Of contra-
band.

And in the same case of one of the contracting parties, being engaged in war, with any other power, to prevent all the difficulties and misunderstandings, that usually arise respecting merchandize of contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time, as the captors may think necessary to prevent the inconvenience or damage, that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods

Et si pendant cet intervalle, l'une des parties contractantes se trouve engagée dans une guerre à laquelle l'autre reste neutre, les vaisseaux de guerre et les armateurs de la puissance belligerente, se comporteront, à l'égard de batimens marchands de la puissance neutre, aussi favorablement que la raison de guerre, pour lors existante pourra le permettre, en observant les principes et les règles du droit des gens généralement reconnus.

ARTICLE XIII.

Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été convenu, que pour prévenir les difficultés, et les discussions, qui surviennent ordinairement par rapport au marchandises de contrabande, telles que armes et munitions de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des sujets ou citoyens de l'une des parties, et destinés pour l'ennemi de l'autre, ne fera censé contrabande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des individus. Néanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir pendant tout le tems que le preneur croira nécessaire, pour prévenir les inconveniens et les dommages qui pourroient en résulter autrement ; mais dans ce cas on accordera une compensation raisonnable pour les pertes, qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer à leur service en tout ou en partie les munitions militaires detenues, en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination ; mais si dans le cas énoncé d'un vaisseau arrêté pour des articles de contrebande, le maître du navire consent à délivrer les marchan-

supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, salt petre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprized under the denomination of arms and military flores, of what description soever, shall be deemed objects of contraband.

ARTICLE XIV.

Documents
to be car-
ried by ves-
sels in time
of war.

To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed, that they shall be provided with the sea letters and documents hereafter specified:

1. A passport, expressing the name, the property and the burthen of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

dites suspectes, il aura la liberté de le faire, et le navire ne sera plus amené dans le port, ni detenu plus longtems, mais aura toute liberté de poursuivre sa route.

Seront censés objets de contrebande, les canons, mortiers, armes à feu, pistolets, bombes, grenades, boulets, bales, fusils, pierres à feu, mèches, poudre, salpêtre, souffre, cuirasses, piques, épées, ceinturons, poches à cartouches, selles et brides, au delà de la quantité nécessaire pour l'usage du vaisseau, et au delà de celle que doit avoir chaque homme servant sur le vaisseau, ou passager, et en general tout ce qui est compris sous la denomination d'armes et de munitions de guerre, de quelque espèce qu'elles puissent être.

ARTICLE XIV.

Pour assurer aux vaisseaux des deux parties contractantes, l'avantage d'être promptement et sûrement reconnus en tems de guerre, on est convenu qu'ils devront être munis des lettres de mer et documens spécifiés ci-après.

1. D'un passeport exprimant le nom, le propriétaire et le port du navire, ainsi que le nom et le domicile du maître. Ces passeports, qui seront expédiés en bonne et due forme, devront être renouvelés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisiion, tant en pleine mer, que dans le port. Mais si le navire se trouve sous le convoi d'un, ou de plusieurs vaisseaux de guerre, appartenants à la partie neutre, il suffira que l'officier commandant le convoi déclare que le navire est de son parti; moyennant quoi cette simple déclaration sera censée établir le fait et dispensera les deux parties de toute visite ultérieure.

2. A charter party ; that is to say, the contract passed for the freight of the whole vessel—or, the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place, from which the vessel shall have sailed.

As their production ought to be exacted only, when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo and company, they shall not be deemed absolutely necessary on board such vessels, belonging to the neutral party, as shall have sailed from its ports, before or within three months after the government shall have been informed of the state of war, in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence, as the tribunals, authorized to judge of the case, may deem sufficient.

ARTICLE XV.

And to prevent entirely all disorder and violence, in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel, to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever, the people, vessels or effects of

Manner of
v' firing ves-
fels not un-
der convoy.

2. De la Certe-parte, c'est à dire, du contrât passé pour le fret de tout le navire, ou des connoissemens, donnés pour la cargaison en général.

Et 3. Du rôle d'équipage, contenant l'indication nominale et détaillée des personnes, qui composent l'équipage du navire. Ces documens seront toujours expédiés dans la forme établie à l'endroit, d'où le navire aura mis à la voile.

Comme leur production ne doit être exigée, que dans le cas où l'une des parties contractantes seroit en guerre, et que leur exhibition ne doit avoir d'autre but, que de prouver le neutralité des vaisseaux, de leurs équipages et de leurs cargaisons, ils ne seront pas censés absolument nécessaires à bord des navires de la partie neutre, qui seront sortis de ses ports, avant, ou trois mois après, que le gouvernement aura eu connoissance de l'état de guerre où se trouve la partie belligérente. Pendant cet intervalle le navire pourra, au défaut des documens ci-dessus spécifiés, prouver sa neutralité par tel autre témoignage, que les tribunaux, appelés à juger du cas, trouveront suffisans.

ARTICLE XV.

Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé, que lorsque les navires de la partie neutre, navigant sans convoi, rencontreront quelque vaisseau de guerre, public ou particulier, de l'autre partie, le vaisseau de guerre n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord du navire neutre pour examiner les passeports et documens. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insultent en quelque manière que ce soit, l'équipage, les vaisseaux ou effets de

the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE XVI.

Of embar-
gous. In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing, as those of the most favoured nations, but without having the right to claim the exemption in their favour stipulated in the 16th article of the former treaty of 1785. But on the other hand the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the government that shall have employed them, an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Seizures,
detentions
and arrests
to be made
in due
course of
law only.

ARTICLE XVII.

Salvage on
recapture,
when one
of the pow-
ers is neu-
tral. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by the power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated in the twenty-first article for cases of recapture.

L'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts, pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armés en course, avant qu'ils reçoivent leurs commissions.

ARTICLE XVI.

Dans les tems de guerre, et le cas de nécessité urgente, où l'une des parties contractantes se verroit obligée d'établir un embargo general, soit dans tous les ports de sa domination, soit dans certains ports particuliers, les vaisseaux de l'autre partie resteront assujettis à cette mesure, sur le même pied que le feront les navires des nations les plus avantagées, sans pouvoir réclamer l'exemption, qui avoit été stipulée en leur faveur dans l'article xvi de l'ancien traité de 1785. Mais d'un autre côté les propriétaires des vaisseaux, qui auront été retenus, soit pour quelque expedition militaire, soit pour tel autre usage que ce soit, obtiendront du gouvernement qui les aura employés, une indemnité équitable, tant pour le fret que pour les pertes occasionées par le retard.

De plus et dans tous les cas de faisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes dans la juridiction de l'autre, on procedera uniquement par ordre, et par autorité de la justice, et suivant les voyes ordinaires en pareil cas usitées.

ARTICLE XVII.

S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemie de l'autre, ou par un pirate et ensuite repris par la puissance en guerre, ils seront restitués au premier propriétaire, aux conditions qui seront stipulés ci-après dans l'article xxi, pour les cas de reprise.

ARTICLE XVIII.

Right of
Asylum.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

ARTICLE XIX.

Bringing in
of prizes.

The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But conformably to the treaties existing between the United States and Great Britain, no vessel, that shall have made a prize upon British subjects, shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger, or accident of the sea, they shall be obliged to depart as soon as possible.

ARTICLE XVIII.

Lorsque les citoyens ou sujets de l'une des deux parties contractantes, seront forcés par des tempêtes, ou par la poursuite des corsaires ou vaisseaux ennemis, ou par quelque autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la juridiction de l'autre, ils seront reçus, protégés, et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissemens, de provisions, et de toutes choses nécessaires, pour leur subsistance, santé et commodité, et pour la réparation de leurs vaisseaux.

ARTICLE XIX.

Les vaisseaux de guerre publics et particuliers des deux parties contractantes pourront conduire en toute liberté partout où il leur plaira, les vaisseaux et effets, qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucunes impôts, charges ou droits, aux officiers de l'amirauté, des douanes, ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni fournies à des procédures legales en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout tems par le vaisseau preneur aux endroits portés par les commissions, dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais conformément aux Traités subsistans entre les Etats Unis et le Grande Bretagne, tout vaisseau qui aura fait une prise sur des sujets de cette dernière puissance, ne sauroit obtenir un droit d'asile dans les ports des Etats Unis, et s'il est forcé d'y relâcher par des tempêtes ou quelque autre danger ou accident de mer, il sera obligé d'en repartir le plutôt possible.

ARTICLE XX.

The subjects of one party shall not take letters of marque from the enemy of the other, &c.

No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend or give any part of its naval or military force to the enemy of the other, to aid them offensively or defensively against the other.

ARTICLE XXI.

Rules applicable to the prosecution of a common war.

If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them.

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war, and one sixth part, if made by a privateer.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged, or sold there, until their legality shall have been decided according to the laws and regulations of the state to which the captor belongs, but by the judicatories of the place, into which the prize shall have been conducted.

ARTICLE XX.

Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni commission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'être puni comme pirate. Et ni l'un ni l'autre des deux états ne louera, prètera ou donnera une partie de ses forces navales ou militaires, à l'ennemi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

ARTICLE XXI.

S'il arrivoit que les deux parties contractantes fussent en mêmes tems en guerre contre un ennemi commun, on observera de part et d'autre les points suivans.

1. Lorsqu'un navire de l'une des deux nations sera repris par les vaisseaux de guerre ou armateurs de l'autre, avant d'avoir été conduit dans un port ennemi ou neutre, il sera restitué avec sa cargaison au premier propriétaire, moyennant une retribution d'un huitième de la valeur du navire et de la cargaison, si la reprise a été faite par un vaisseau de guerre, et d'un sixième, si elle a été faite par un armateur.

2°. Dans ces cas, la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part, qui en revient à ceux qui ont repris le navire.

3°. Les vaisseaux de guerre publics et particuliers des deux parties contractantes seront admis réciproquement avec leurs prises, dans les ports respectifs, cependant ces prises ne pourront y être déchargées, ni vendues, qu'après que la légitimité de la prise aura été décidée suivant les loix et réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels, which they shall take, and carry into the ports of the two parties.

ARTICLE XXII.

The ships of war of one party shall protect the vessels of the other.

When the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII.

Regulations for softening the effects of war between the two parties.

If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months, to collect their debts and settle their affairs, and may depart freely carrying off all their effects, without molestation or hindrance, and all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all others, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall;

4°. Il fera libre à chacune des parties contractantes de faire tels reglemens, qu'elles jugeront necessaires relativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre publics et particuliers à l'égard des bâtimens qu'ils auront pris et amenés dans les ports des deux puissances.

ARTICLE XXII.

Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion sous leur protection les navires de l'autre, qui font avec eux la meme route, et ils les defendront aussi longtems qu'ils feront voile ensemble contre toute force et violence, et de la meme maniere qu'ils protégéroient et defendroient les navires de leur propre nation.

ARTICLE XXIII.

S'il survient une guerre entre les parties contractantes, les marchands de l'une des deux etats, qui resideroient dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives et arranger leurs affaires, après quoi ils pourront partir en toute liberté, et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers, et pêcheurs, qui ne sont point armés, et qui habitent des villes, villages, ou places non fortifiées, et en général tous ceux dont la vocation tend à la subsistence, et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leur personnes, ni leurs maisons, ou leurs biens incendiés, ou autrement détruits, ni leurs champs ravagés par les armées de l'ennemi, au pouvoir duquel ils pourroient tomber par les evenemens de la guerre, mais si l'on se

but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

ARTICLE XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to the world and to each other, that they will not adopt any such practice; that neither will send the prisoners, whom they may take from the other, into the East-Indies or any other parts of Asia or Africa, but they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs, that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality as are allowed by them, either in kind, or by commutation to officers of equal rank in their own army; and all others shall be daily furnished by them, with such rations as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the

trouve dans la nécessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à une prix raisonnable.

ARTICLE XXIV.

Afin d'adoucir le sort des prisonniers de guerre et de ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou renfermés dans des habitations étroites et malsaines, les deux parties contractantes s'engagent solennellement l'une envers l'autre et à la face de l'univers, qu'elles n'adopteront aucun de ces usages, que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie, ou de l'Afrique, mais qu'on leur assignera en Europe, ou en Amérique, dans les territoires respectifs des parties contractantes un séjour situé dans un air sain, qu'ils ne seront point confinés dans des cachots, ni dans des prisons, ni dans des vaisseaux de prison, qu'ils ne seront pas mis aux fers, ni garotés, ni autrement privés de l'usage de leurs membres; que les officiers seront relâchés sur leur parole d'honneur dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes; que les simples soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air, et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes, que le sont celles des troupes de la puissance au pouvoir de laquelle se trouvent les prisonniers; que cette puissance fera pourvoir journellement les officiers d'autant de rations, composés des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent les officiers du même rang, qui sont à son propre service, qu'elle fournira également à tous les autres prisonniers, une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par

war; and the said accounts shall not be mingled with or set off, against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends; and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence, that war dissolves all treaties, nor any other whatever shall be considered as annulling or suspending this and the next preceding article; but on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

ARTICLE XXV.

Consuls,
&c. allowed
to reside in
the dominions
of the
two parties. The two contracting parties have granted to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of

L'autre puissance, d'après une liquidation de compte, à arrêter réciproquement pour l'entretien des prisonniers à la fin de la guerre, et ces comptes ne feront point confondus, ou balancés avec d'autres comptes, ni la solde qui en est due, retenue, comme compensation, ou repesailles, pour tel autre article, ou telle autre prétention réelle, ou supposée. Il sera permis à chacune des deux puissances d'entretenir un commissaire de leur choix, dans chaque cantonnement des prisonniers, qui sont au pouvoir de l'autre. Ces commissaires auront la liberté de visiter les prisonniers, aussi souvent qu'ils le désiront, ils pourront également recevoir et distribuer les douceurs, que les parens ou amis des prisonniers, leur feront parvenir ; enfin il leur sera libre encore, de faire leurs rapports par lettres ouvertes, à ceux qui les employent. Mais si un officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier sortit des limites, qui auront été fixées à son cantonnement, un tel officier ou autre prisonnier sera frustré individuellement des avantages stipulés dans cet article pour sa relaxation sur parole d'honneur, ou pour son cantonnement. Les deux puissances contractantes ont déclarés en outre, que ni le prétexte que la guerre rompt les traités, ni tel autre motif quelconque, ne sera censé annuler, ou suspendre cet article, et le précédent, mais qu'au contraire le tems de la guerre est précisément celui pour lequel ils ont été stipulés, et durant lequel ils seront observés aussi saintement, que les articles les plus universellement reconnus par le droit de la nature et des gens.

ARTICLE XXV.

Les deux parties contractantes, se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice-consuls, agens, et commissaires de leurs choix, et ils y jouiront des

the most favoured nations. But if any such conful shall exercise commerce, they shall be submitted to the same laws and usages, to which the private individuals of their nation are submitted in the same place.

ARTICLE XXVI.

Favours granted to others to be extended to the parties.

If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

ARTICLE XXVII.

Limitation of the treaty.

His Majesty the king of Prussia and the United States of America agree, that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty, which shall restore peace.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature, or sooner if possible.

In testimony whereof the Plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals. Done at Berlin the eleventh of July in the year one thousand seven hundred and ninety nine.

(L. S.) *John Quincy Adams.*

(L. S.) *Charles Guillaume Comte de Finkenstein.*

(L. S.) *Philippe Charles d'Alvensleben.*

(L. S.) *Gbretien Henri Curce Comte d'Haugwitz.*

mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées. Mais dans le cas où tel ou autre de ces consuls veuille faire le commerce, il sera soumis au mêmes loix et usages auxquels sont soumis les particuliers de sa nation à l'endroit ou il réside.

ARTICLE XXVI.

Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particulière en fait de navigation ou de commerce à d'autres nations, elle deviendra aussitôt commune à l'autre partie contractante, et celle-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionnelle.

ARTICLE XXVII.

Sa Majesté le Roi de Prusse et les Etats Unis de l'Amérique sont convenus que le présent traité aura son plein effet pendant l'espace de dix années à compter du jour de l'échange des ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre entre-eux, les articles ci-dessus stipulés pour régler leur conduite en tems de guerre conserveront toute leur force jusqu' à la conclusion du traité qui retablira la paix.

Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace d'une année à compter du jour de la signature, ou plutôt si faire se peut.

En foi de quoi les plenipotentiaires sus nommés ont signé le présent traité et y ont apposé le cachet de leurs armes. Fait à Berlin le onze Juillet, l'an mille sept cents quatre vingt dix neuf.

(L. S.) *John Quincy Adams.*

(L. S.) *Charles Guillaume Comte de Finkenstein,*

(L. S.) *Philippe Charles d'Alvensleben.*

(L. S.) *Chretien Henri Cursc Comte de Haugwitz.*

AND WHEREAS the said Treaty has by me on the one part, by and with the advice and consent of the Senate of the United States, and by his Majesty the King of Prussia, on the other part, been duly approved and ratified: *And whereas* the ratifications thereof, were duly exchanged at Berlin, on the twenty-second day of June last past: **NOW THEREFORE**, to the end that the said Treaty may be executed and observed with punctuality and the most sincere regard to good faith, on the part of the United States, I **DO HEREBY** make known the premises, and enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, to execute and observe the said Treaty accordingly.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the City of Washington, the fourth day of November, in the year of our Lord, one thousand eight hundred, and of the Independence of the United States the twenty-fifth.

(L. S.)

JOHN ADAMS.

By the President,

JOHN MARSHALL, *Secretary of State.*

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A C T S

PASSED AT THE
SECOND SESSION
OF THE
SEVENTH CONGRESS
OF THE
UNITED STATES.



SEVENTH CONGRESS
OF THE
UNITED STATES,

At the second session, begun and held at the City of Washington, in the Territory of Columbia, on Monday, the sixth of December, one thousand eight hundred and two.

CHAPTER LIV.

An ACT making a partial appropriation for the Naval Service, during the year one thousand eight hundred and three.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of one hundred thousand dollars be, and the same hereby is appropriated towards defraying the expenses of the Navy of the United States, during the year one thousand eight hundred and three.

Sec. 2. *And be it further enacted, That the aforesaid sum shall be paid, first, out of any balance remaining unexpended of former appropriations for the same object; and secondly, out of any monies in the Treasury, not otherwise appropriated.*

NATH^L. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

January 14th, 1803, APPROVED.

TH: JEFFERSON.

CHAPTER LV.

An ACT for the relief of Charles Hyde.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper accounting officers liquidate and settle the account of Charles Hyde, for his services as judge advocate to the army, from the second day of December, Anno Domini, one thousand seven hundred and ninety-two, to the fifteenth day of July, Anno Domini, one thousand seven hundred and ninety-four, both inclusive; and that he be allowed such pay and emoluments for said services, in addition to his pay in the line, as were, at that time, allowed by law to officers acting in that capacity.

NATH^L. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

January 14th, 1803, APPROVED.

TH: JEFFERSON.

CHAPTER LVI.

An ACT for the relief of Henry Messonnier.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be paid to Henry Messonnier, from any money in the Treasury, not heretofore appropriated by law, the sum of six hundred and fifty-five

dollars, and ninety cents, being the amount of duties paid by him on fourteen hogsheads of Coffee imported in the ship Pacareau, Captain Latour, and entered at the port of Baltimore, on the eighteenth day of February, one thousand seven hundred and ninety-four, which sum had also been paid on the same fourteen hogsheads of Coffee, by Champaign and Deyme.

NATH^L. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice President of the United States, and
President of the Senate.*

February 10th, 1803, APPROVED.

TH: JEFFERSON.

CHAPTER LVII.

An ACT authorising the sale of a piece of land, parcel of the Navy Yard belonging to the United States, in Charlestown, in the state of Massachusetts, to the proprietors of the Salem turnpike road and Chelsea bridge corporation.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Navy be, and he hereby is authorised and empowered, by indenture of bargain and sale, in common form, to convey, in fee simple, to the proprietors of the Salem turnpike and Chelsea bridge corporation, by their proper name of incorporation, a certain piece of land, lying on the Western corner, and being parcel of the Navy-yard belonging

Secretary of the Navy authorised to convey a piece of land to the Salem bridge corporation.

to the United States, in Charlestown, in the state of Massachusetts, containing fifteen square perches, or thereabouts, or so much thereof as is required to enable the said proprietors to lay out and make a turnpike road from Salem to Charlestown bridge, near Boston, according to the plan exhibited to Congress by the said proprietors.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said Secretary, prior to the making the said conveyance, to cause the said piece of land to be valued by disinterested men, to be appointed in such manner as he shall agree with the said proprietors; the amount of which said valuation, being paid to the use of the United States, it shall then, and not before, be lawful for the said Secretary to make the aforesaid conveyance.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice President of the United States, and
President of the Senate.*

February 10th, 1803, APPROVED.

TH: JEFFERSON.

CHAPTER LVIII.

An ACT to provide for the granting of Clearances to Ships or Vessels owned by citizens of the United States, lying in the river Mississippi, south of the southern boundary of the United States, and therein to amend an act, intituled "An act to regulate the collection of Duties on Imports and Tonnage," and for other purposes.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That when-

ever articles of the growth, produce, or manufacture of the United States, shall be intended to be exported from any of the ports of the United States within the Mississippi, by the way of New-Orleans, to any foreign port, the identity of such articles shall be ascertained and certified in the same manner by the proper officers as has been or hereafter may be provided, for the transportation of the same articles to any of the ports of the United States, without the Mississippi.

In what manner goods to be exported from the Mississippi are to be identified.

Sec. 2. *And be it further enacted,* That it shall be lawful for the collector of the customs for the district of Mississippi, to grant to any ship or vessel owned by citizens of the United States, laden with articles of the growth, produce, or manufacture of the said states, and actually lying in some part of the river Mississippi, south of the southern boundary of the United States, a clearance in the same manner as if such ship or vessel was lying within the said district, which clearance shall be of the form following, to wit:

Certificate to be granted by the collector of the Mississippi district.

“ District of Mississippi, to
Port of Adams,

These are to certify to all whom it doth concern, That _____ master or commander of the _____ burthen _____ tons or thereabouts, mounted with _____ guns (if any) navigated with _____ men _____ built, now lying in the river Mississippi, out of the limits of the United States, and bound for

having on board (here specify the articles if required) being of the growth, produce, or manufacture of the United States, or (if no specification be required) being laden with articles of the growth, produce, or manufacture of the United States, hath here cleared his said vessel according to law:

captains or owners of American vessels, two dollars for each certificate he shall sign, certifying that the articles contained in such certificate, are of the growth, produce, or manufacture of the United States; and he shall also be authorised to employ a proper person to attend to the landing and loading such articles, whose duty therein, and compensation, shall be the same as those of an inspector of customs in one of the ports of the United States, which compensation shall be considered as a charge against the revenue, and defrayed by the collector for the district of Mississippi, out of the monies received by him on account of the duties on tonnage and merchandise.

NATH^L. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate.*

February 19, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LIX.

*An ACT for the relief of the sufferers by fire,
in the town of Portsmouth.*

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all persons who, being indebted to the United States, for duties on merchandise, have given bond therefor, with one or more sureties, payable to the collector for the district of

Sufferers by fire at Portsmouth to have the indulgence of further time for discharging their custom house bonds.

Portsmouth, and who have suffered a loss of property by the late conflagration at that place, shall be, and they hereby are allowed to take up, or have cancelled, all bonds heretofore given for duties as aforesaid, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of their former bonds respectively, payable in twelve months from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid; and the said collector is hereby authorised and directed, to give up or cancel, all such bonds upon the receipt of others as described in this act; which last mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: Provided however, that nothing in this act contained shall extend to bonds which had fallen due before the twenty sixth day of December last.

NATH^L. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate.*

February 19, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LX.

An ACT to provide for the due execution of the laws of the United States, within the State of Ohio.

WHEREAS, the people of the Eastern division of the Territory North West of the river Ohio, did on the twenty ninth

Laws of the United States to be carried in to effect in the State of Ohio.

day of November, one thousand eight hundred and two, form for themselves a constitution and state government, and did give to the said state the name of the "State of Ohio," in pursuance of an act of Congress, entitled "An act to enable the people of the Eastern division of the Territory North West of the river Ohio, to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and for other purposes," whereby the said state has become one of the United States of America; in order therefore to provide for the due execution of the laws of the United States within the said state of Ohio :

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said state of Ohio, as elsewhere within the United States.

Sec. 2. *Be it further enacted,* That the said state shall be one district, and be called the Ohio District; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold at the seat of government of the said state, three sessions annually, the first to commence on the first Monday in June next, and the two other sessions progressively on the like Monday of every fourth calendar month afterwards, and he shall in all things have and exercise the same jurisdiction and powers which are by law given to the judge of the Kentucky district: He shall appoint a clerk for the said

All the laws of the United States not locally inapplicable to be executed there.

Ohio to be one district.

District court to be held therein, to consist of one judge.

Sessions of the court, where to be held.

Its powers and jurisdiction.

Clerk to be appointed—
His place of residence, fees, &c.

district, who shall reside and keep the records of the court at the place of holding the same, and shall receive for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

Salary of the judge.

Sec. 3. *Be it further enacted*, That there shall be allowed to the judge of the said district court, the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarter yearly at the Treasury of the United States.

District attorney to be appointed.
His compensation.

Sec. 4. *Be it further enacted*, That there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States, two hundred dollars annually, as a full compensation for all extra services.

Marshal to be appointed.

Sec. 5. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are prescribed to marshals in other districts, and shall moreover be entitled to the sum of two hundred dollars annually as a compensation for all extra services.

His duties and compensation.

NATH^l. MACON,
Speaker of the House of Representatives.
A. BURR,
*Vice-President of the United States, and
President of the Senate.*

February 19, 1803.

APPROVED.

TH. JEFFERSON.

CHAPTER LXI.

An ACT making further provision for the expenses attending the intercourse between the United States and foreign nations.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of two millions of dollars, in addition to the provision heretofore made, be and the same is hereby appropriated for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress, as soon as may be.

Further appropriation for foreign intercourse.

Sec. 2. *And be it further enacted*, That the President of the United States may, if he shall deem it necessary, and he hereby is authorised to borrow the whole, or any part of the said sum, at an interest not exceeding six per centum per annum, reimbursable before the year one thousand eight hundred and eleven: And it shall be lawful for the bank of the United States to lend the whole, or any part of the same.

President authorised to borrow the money.

The terms and time of reimbursement.

Sec. 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them by law, shall be, and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal of all such monies as may be borrowed in

Surplus of duties on imports and tonnage pledged for the payment of interest and reimbursement of principal.

pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate.*

February 26, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXII.

An ACT supplementary to the "Act concerning Consuls and Vice-Consuls, and for the further protection of American Seamen."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs, a list, containing the names, places of birth and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector, shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall moreover enter into bond with sufficient security, in the sum of four hundred dollars, that he shall

Master of vessels to deliver lists to the collectors of the ports whence they go from the United States of their ship's companies, containing descriptions of their persons, &c.

Certified copies to be delivered to the masters: fees to be paid for them.

Masters to enter into Bonds.

exhibit the aforesaid certified copy of the list to the first boarding officer, at the first port in the United States, at which he shall arrive on his return thereto, and then and there also produce the persons named therein, to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector, and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided*, That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

for what conditioned.

Provisions in favor of the captains.

Sec. 2. *And be it enacted*, That it shall be the duty of every master or commander of a ship or vessel, belonging to citizens of the United States who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposit his register, sea-letter, and Mediterranean passport, with the consul, vice-consul, commercial agent, or vice-commercial agent, (if

Master of vessels belonging to the United States arriving in foreign ports, to deliver to the consuls, &c. there certain papers.

Penalty for not doing it.

any there be at such port;) that in case of refusal or neglect of the said master or commander, to deposit the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port, where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided*, such master or commander shall have complied with the provisions contained in this act, and those of the act to which this is a supplement.

Acts to be done upon the discharge of American seamen in foreign ports.

Sec. 3. *And be it further enacted*, That whenever a ship or vessel belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice-consul, commercial agent, or vice-commercial agent, the list of his ship's company, certified as aforesaid; and to pay to such consul, vice-consul, commercial agent, or vice-commercial agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months pay, over and above the wages which may then be due to such mariner or seaman, two thirds thereof to be paid by such consul, or commercial agent, to each seaman or mariner

so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port, and the several sums retained for such fund shall be accounted for with the treasury every six months by the persons receiving the same.

Sec. 4. *And be it further enacted,* That it shall be the duty of the consuls, vice-consuls, commercial agents, vice commercial agents of the United States, from time to time to provide for the mariners and seamen of the United States, who may be found destitute within their districts respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls, vice-consuls, commercial agents or vice-commercial agents respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms not exceeding ten dollars for each person, as may be agreed between the said master and consul, or commercial agent. And the said mariners or seamen

Consuls, &c to provide for destitute seamen, &c. subsistence and passages to the United States. subject to the instructions of the Secretary of State.

Commanders of Vessels required to take such on board if not more than two to every hundred tons.

On terms not exceeding 10 dollars each.

Seamen, &c. to do duty if able.

shall, if able, be bound to do duty on board such ships or vessels according to their several abilities; *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same on the request or order of the consul, vice-consul, commercial agent or vice-commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States in any court of competent jurisdiction. And the certificate of any such consul or commercial agent, given under his hand and official seal, shall be *prima facie* evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty aforesaid.

Penalty on the refusal of the captain or master.

Sec. 5. *And be it further enacted*, That the seventh and eighth section of the act, intitled, "An act concerning consuls and vice-consuls," be and the same are hereby repealed; and that the Secretary of State be authorised to reimburse the consuls, vice-consuls, commercial agents or vice-commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

Seventh and eighth sections of the act concerning consuls and vice-consuls repealed.

Secretary of State to reimburse the consuls, &c.

Consuls, &c. may receive fifty cents for every certificate of discharge and 2 1-2 per cent. on paying and receiving the wages of discharged seamen in foreign ports.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for every consul, vice-consul, commercial agent and vice-commercial agent of the United States, to take and receive for every certificate of discharge of any seaman or mariner in a foreign port fifty cents; and for commission on paying and receiving the amount of wages payable on the

discharge of seamen in foreign ports, two and a half per centum.

Sec. 7. *And be it further enacted,* That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall falsely and knowingly certify, that property belonging to foreigners is property belonging to citizens of the United States, he shall on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Consuls, &c. giving false certificates subject to fine and imprisonment.

Sec. 8. *And be it further enacted,* That if any consul, vice-consul, commercial agent or vice-commercial agent, shall grant a passport or other paper certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

If for false passport, &c. subject to fines,

Sec. 9. *And be it further enacted,* That all powers of attorney executed after the thirtieth day of June next in a foreign country for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

Powers of attorney, &c. executed in foreign countries to be verified by consuls, &c. who may receive fifty cents on each.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate.*

February 23, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXIII.

An ACT to prevent the importation of certain persons into certain states, where, by the laws thereof, their admission is prohibited.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good-Hope, into any port or place of the United States, which port or place shall be situated in any state which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of color, and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited, as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto, or other person of color aforesaid, brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States; one half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty; and in any action

Prohibited
importation of
persons of color
to just a fine
of one thousand
dollars for
each.

instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *Provided always*, That nothing contained in this act shall be construed to prohibit the admission of Indians.

Sec. 2. *And be it further enacted*, That no ship or vessel arriving in any of the said ports or places of the United States, and having on board any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good-Hope as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of color, shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any state prohibiting the admission or importation, as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one half of the nett proceeds of the sales on such forfeiture shall inure and be paid over to such person or persons on whose information the seizure on such forfeiture shall be made.

Sec. 3. *And be it further enacted*, That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice and be governed by the provisions of the laws now existing, of the several states prohibiting the admission or importation of any negro, mulatto, or other person of color, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of

No vessel containing prohibited persons of color admitted to an entry.

Vessel, &c. to be forfeited if any prohibited person of color be landed therefrom.

Collectors and other officers to be governed by the laws of the states prohibiting persons of color.

said states, conformably to the provisions of this act; any law of the United States to the contrary notwithstanding.

NATH^L. MACON,
Speaker of the House of Representatives.
A. B^L. RR,
*Vice-President of the United States, and
President of the Senate.*

February 28, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXIV.

An ACT to provide an additional armament for the protection of the seamen and commerce 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 hereby is authorised and empowered to cause to be built, or to be purchased (if the exigencies of the service shall require it) four vessels of war, to carry not exceeding sixteen guns each; to be armed, manned and fitted out for the protection of the seamen and commerce of the United States in the Mediterranean and adjacent seas, and for other purposes, as the public service may require.

Sec. 2. *And be it further enacted.* That the sum of ninety-six thousand dollars be, and hereby is, appropriated for the purpose aforesaid, out of any monies in the treasury of the United States, not otherwise appropriated.

Sec. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorised and empowered to cause

President au-
thorised to put
into service
four vessels of
sixteen guns
each.

Appropriation
for the above.

President au-

to be built, a number not exceeding fifteen gun boats, to be armed, manned and fitted out, and employed for such purposes as in his opinion the public service may require; and that a sum not exceeding fifty thousand dollars be, and hereby is appropriated for this purpose out of any monies in the treasury of the United States not otherwise appropriated.

thorised to put into service fifteen gun boats.

Appropriation for the above.

NATH^L. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate*

February 28, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXV.

An ACT for extending the external commerce of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of two thousand five hundred dollars be, and the same is hereby appropriated for the purpose of extending the external commerce of the United States, to be paid out of any money in the treasury not otherwise appropriated.

NATH^L. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate.*

February 28, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXVI.

An ACT in addition to an act, intituled " An act fixing the military peace establishment of the United States."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be added to the regiment of artillerists, two teachers of music, whose pay, rations and cloathing shall be the same as is by law allowed to the teachers of music in the regiments of infantry in the service of the United States.

Two teachers of music added to the artillerists.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorised to appoint one teacher of the French language, and one teacher of drawing, to be attached to the corps of engineers, whose compensation shall not exceed the pay and emolument of a captain in the line of the army.

A teacher of the French language, and a teacher of drawing appointed to the corps of engineers.

Sec. 3. *And be it further enacted,* That the commanding officer of the corps of engineers, be authorised to enlist for a term, not less than three years, one artificer and eighteen men, to aid in making practical experiments and for other purposes;—to receive the same pay, rations and cloathing as are allowed to the artificers and privates, in the army of the United States; and the same bounty when enlisted for five years; and to be subject to the rules and articles of war.

Authority to enlist one artificer and eighteen men.

Sec. 4. *And be it further enacted,* That the President of the United States be, and he is hereby authorised to allow to the paymaster of the army, the adjutant and inspector of the army, and the military agent at Philadelphia, such sums, not exceeding, in the whole three

Clerk hire to certain officers of the army.

thousand dollars, for clerk hire, as their respective duties may, in his opinion, reasonably require.

NATHL. MACON,
Speaker of the House of Representatives.
A. BURR,
*Vice-President of the United States, and
President of the Senate.*

February 28, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXVII.

An ACT for continuing in force a law, entitled "An act for establishing trading houses with the Indian Tribes."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a law passed on the eighteenth day of April, in the year of our Lord one thousand seven hundred and ninety-six, intituled "An act for establishing trading houses with the Indian tribes," and which law was revived and continued by another, passed on the thirtieth day of April, in the year of our Lord, one thousand eight hundred and two, shall be, and the same is hereby farther continued for the term of two years, from the fourth day of March next, and from thence until the end of the next session of Congress.

NATHL. MACON,
Speaker of the House of Representatives.
A. BURR,
*Vice-President of the United States, and
President of the Senate.*

February 28, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXVIII.

An ACT in addition to an act intituled, " An act more effectually to provide for the National defence, by establishing an uniform Militia throughout the United States."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the adjutant general of the militia in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act, to which this is an addition, to the President of the United States annually, on or before the first Monday in January in each year: and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutant generals of the militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns. and he shall lay an abstract of the same before Congress, on or before the first Monday of February, annually.

Sec. 2. *And be it further enacted,* That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the direction of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

Adjutant general of the militia to make returns of the militia annually.

Citizen enrolled in the militia to be constantly provided with arms, &c.

Sec. 3. *And be it further enacted*, That in addition to the officers provided for by the said act, there shall be, to the militia of each state one quarter master general, to each brigade one quarter master of brigade, and to each regiment one chaplain.

Additional officers to the militia.

NATHL. MACON,
Speaker of the House of Representatives.

A. BURR,
Vice-President of the United States, and President of the Senate.

March 2, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXIX.

An ACT supplementary to the act intituled "An act providing passports for the ships and vessels of the United States."

BE it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That every unregistered ship or vessel owned by a citizen or citizens of the United States, and sailing with a sea-letter, going to any foreign country, shall before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be, with a passport of the form prescribed and established by the act to which this is a supplement, for which the master shall pay to the collector ten dollars, and be subject to the rules and conditions prescribed in the said act, for ships and vessels of the United States.

Unregistered vessel sailing with sea letters to be furnished with passports on paying ten dollars.

Unregistered vessels sailing to foreign countries to pay the same on clearing as vessels of the United States.

Sec. 2. *And be it further enacted, That there shall be paid on every such unregistered ship or vessel, sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the same sum at the time of clearing outwards, to be received and accounted for in the same manner as is by said act required in cases of ships and vessels of the United States.*

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

Vice-President of the United States, and President of the Senate.

March 2, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXX.

An ACT making an appropriation for the support of the Navy of the United States, for the year one thousand eight hundred and three.

Specific appropriations for the navy of the United States.

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 three, and for making good deficiencies for the same, in the year one thousand eight hundred and two, the following sums, including therein the sum of one hundred thousand dollars already appropriated by the "act making a partial appropriation for the naval service during the year one thousand eight hundred and three," be, and they here-

by are respectively appropriated, that is to say;

For the pay and subsistence of the officers, and the pay of the seamen, two hundred and eighty-three thousand nine hundred and ninety-three dollars :

For provisions, one hundred and fifty-seven thousand three hundred and sixty dollars and twenty cents :

For medicines, instruments, hospital stores, and all expenses on account of the sick, seven thousand seven hundred dollars :

For the purchase of ordnance and other military stores, fifteen thousand dollars :

For the repairs of vessels, store rent, and other contingent expenses, one hundred and eighty-two thousand dollars.

For completing the contracts made for the timber, ordnance, and other materials for the seventy-four gun ships, including their transportation, &c. one hundred and fourteen thousand four hundred and twenty-five dollars.

For the expense of erection of sheds and navy yards, including docks and other improvements, the pay of superintendants, store keepers, clerks and labourers, forty-eight thousand seven hundred and forty-one dollars and thirty-seven cents.

For the pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, sixty-four thousand and ninety-five dollars and sixty cents.

For clothing and military stores for the same, sixteen thousand two hundred and twenty-three dollars and eighty-three cents.

For medicines, medical services, hospital stores, and all expenses on account of the sick of the marine corps, one thousand dollars.

Specific appro-
priation for
the navy of the
United States.

For quarter master's and barrack master's stores, officers' travelling expenses, armourers' and carpenters' bills, and other contingent expenses, nine thousand four hundred and sixty-one dollars.

To make good deficiencies in the appropriations for the navy of the United States, in the year one thousand eight hundred and two, that is to say:

For pay and subsistence of the officers, the pay of the seamen, provisions, repairs and expenses incurred in the year one thousand eight hundred and one, and which have been paid out of an appropriation made in the year one thousand eight hundred and two, including a deficiency for the service of the year one thousand eight hundred and two, one hundred and sixty-eight thousand four hundred and thirty-nine dollars and eighty-one cents.

For salaries of superintendants of navy yards, store keepers, and clerks, store rent, hire of laborers, &c. on account of expenses incurred in the year one thousand eight hundred and one, including a deficiency for the service of the year one thousand eight hundred and two, eight hundred and seventy-five dollars and sixty-eight cents.

For navy yards, docks and wharves, eleven thousand five hundred and thirty-five dollars and twenty-eight cents.

• For medicines, medical services, and hospital stores for the marine corps, on account of expenses incurred in the year one thousand eight hundred and one, including a deficiency for the service of the year one thousand eight hundred and two, five hundred and ninety-six dollars and thirty-nine cents.

For marine barracks, on account of expenses incurred in the year one thousand eight

Hundred and one, four hundred and one dollars and ninety-three cents

For the payment of a balance due the estate of John Habersham, late collector at Savannah, for naval materials ascertained at the treasury, for sundry payments made by him to John H. Morel, on the same account, including a commission on the said payments at one per cent. sixteen thousand nine hundred and forty-eight dollars and thirty-seven cents.

Payment to the estate of John Habersham for naval materials.

Sec. 2. *And be it further enacted*, That the several sums of money herein specifically appropriated and amounting together to the sum of one million and ninety-eight thousand seven hundred and ninety-seven dollars and forty six cents, shall be paid first out of the sum of one hundred thousand dollars already appropriated for the naval service during the year one thousand eight hundred and three, and secondly out of any monies in the treasury not otherwise appropriated.

Whence the appropriations are to be drawn.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

Vice President of the United States, and President of the Senate.

March 2, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXI.

An ACT in addition to the act, intituled " An act concerning the registering and recording of ships and vessels of the United States," and to the act, intituled " An act to regulate the collection of duties on imports and tonnage."

BE it enacted by the Senate and House of Representatives of the United States of

Penalty on
forging sea-let-
ters, p fip rrs,
&c. or using
fuch.

Officers disqua-
lified thereby.

Comptroller of
the treasury to
caufe blank cer-
tificates of re-
gistry to be
provided with
fecret marks.

Which are to
be exchanged
(gratis) for old
certificates of
registry after
the thirty first
December
eighteen hun-
dred and three.

America, in Congress assembled, That if any person shall knowingly make, utter, or publish any false sea letter, Mediterranean passport, or certificate of registry, or shall knowingly avail himself of any such Mediteranean passport, sea letter, or certificate of registry, he shall forfeit and pay a sum not exceeding five thousand dollars, to be recovered by action of debt, in the name of the United States, in any court of competent jurisdiction; and if an officer of the United States, he shall for ever thereafter be rendered incapable of holding any office of trust or profit, under the authority of the United States.

Sec. 2. *And be it further enacted,* That it shall be the duty of the comptroller of the Treasury, to cause to be provided, blank certificates of registry, with such water and other secret marks as he may direct, which marks shall be made known only to the collectors and their deputies, and to the consuls or commercial agents of the United States; and from and after the thirty-first day of December next, no certificate of registry shall be issued, except such as shall have been provided and marked as aforesaid; and the ships or vessels of the United States, which shall have been duly registered as such, shall be entitled to new certificates of registry (gratis) in exchange for their old certificates of registry: And it shall be the duty of the respective collectors, on the departure of any such ship or vessel, after the said thirty-first day of December, from the district to which such ship or vessel shall belong, to issue a new certificate accordingly, and to retain and deface the former certificate.

Sec. 3. *And be it further enacted,* That when any ship or vessel, which has been, or which shall be registered pursuant to any law of the United States, shall whilst such ship or vessel is without the limits of the United States, be sold or transferred in whole or in part to a citizen or citizens of the United States, such ship or vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a ship or vessel of the United States: *Provided,* That all the requisites of law, in order to the registry of ships or vessels, shall be complied with, and a new certificate of registry obtained for such ship or vessel, within three days from the time at which the master or other person having the charge or command of such ship or vessel, is required to make his final report upon her first arrival afterwards as aforesaid, agreeably to the thirtieth section of the act, passed on the second day of March, one thousand seven hundred and ninety-nine, entitled, "An act to regulate the collection of duties on imports and tonnage." And it shall be lawful to pay to the collector of the district within which such ship or vessel may arrive as aforesaid, the duties imposed by law on the tonnage of such ship or vessel, at any time within three days from the time at which the master or other person having the charge or command of such ship or vessel, is required to make his final report as aforesaid, any thing to the contrary in any former law notwithstanding: *Provided always,* That nothing herein contained shall be construed to repeal, or in any wise change the provisions, restrictions or limitations of any former act or acts, excepting so far as

A duly registered vessel sold out of the United States to a citizen, to have the benefit of a vessel of the U. S. under certain provisions.

the same shall be repugnant to the provisions of this act.

Power of the secr'y of the treasury to remove disabilities, extended.

Sec. 4. *And be it further enacted*, That the power vested in the secretary of the treasury, to remove disabilities incurred under the act to which this is a supplement, and under the act, entitled, "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same," shall extend to the remission of any foreign duties, which shall have been or shall be incurred by reason of such disabilities.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice President of the United States, and
President of the Senate.*

March 2, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXII.

An ACT, making appropriations for the support of government, for the year one thousand eight hundred and three.

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

Specific appropriations.

present year, including the contingent expenses of the several departments and officers ; 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 light houses, beacons, buoys, and public piers ; and for satisfying certain miscellaneous claims. the following sums be, and hereby are appropriated ; that is to say :

Specific appropriations.

For compensations granted by law to the members of the senate and house of representatives, their officers and attendants, estimating for sixty-two days continuance in the present session, and for twenty-seven days in the first session of the eighth Congress, one hundred and twenty-five thousand three hundred and forty-eight dollars :

For the expense of fire-wood, stationery, printing, and all other contingent expenses of the two houses of Congress, nineteen thousand dollars :

For the 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, eleven thousand three hundred and sixty dollars :

For the incidental and contingent expenses in the said department, twelve thousand nine hundred and fifty dollars :

For compensation to the secretary of the treasury, clerks and persons employed in his office, eleven thousand two hundred and forty-nine dollars, and eighty-one cents :

Specific ap-
propriations.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea-letters, stationery and printing, eight hundred dollars :

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

For expense of stationery and printing in the comptroller's office, eight hundred dollars :

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents :

For expense of stationery and printing in the office of the auditor, 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 and printing in the treasurer's office, three hundred dollars :

For compensation to the commissioner of the revenue, clerks and persons employed in his office, six thousand two hundred and fifty-three dollars and six cents :

For the expense of stationery and printing in the office of the commissioner of the revenue, four hundred dollars :

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

For expense of stationery and printing, (including books for the public stocks, and for the arrangement of the marine papers) in

the register's office, two thousand eight hundred dollars : Specific appropriations.

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

For compensation of clerks employed for the purpose of making drafts of the several surveys of lands in the territory of the United States north west of the river Ohio, and in keeping the books of the treasury in relation to the sales of lands at the several loan offices, two thousand dollars :

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

For defraying the expense incident to the stating and printing the public accounts for the year one thousand eight hundred and three, 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 superintendant employed to secure the buildings and records in the treasury department, during the present year, including the expense of two watchmen, and for the repair of fire engines, buckets, &c. one thousand four hundred dollars :

For compensation to the secretary of war, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars :

For expenses of fuel, stationery, printing and other contingent expenses in the office of the secretary of war, one thousand dollars :

For compensation to the accountant of the war department, clerks and persons employed

Specific ap-
propriations.

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 of 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, including a sum of seven hundred dollars, for compensations to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery and fuel in the said office, three thousand eight hundred dollars :

For compensation to the secretary of the navy, clerks and persons employed in his office, including a compensation of five hundred and sixty-one dollars and fourteen cents to the clerk of the navy pension fund for the years one thousand eight hundred, one thousand eight hundred and one, and one thousand eight hundred and two, nine thousand six hundred and seventy-one dollars and fourteen cents :

For expense of fuel, stationery, printing and other contingent expenses in the office of the secretary of the navy, two thousand seven hundred dollars :

For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand

seven hundred and ninety-nine, ten thousand four hundred dollars : Specific appropriations.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars :

For compensation to the post-master general, assistant post-master general, clerks and persons employed in the post-master general's office, including a deficiency of three hundred and forty-five dollars in the last year's appropriation, and a sum of three thousand seven hundred and ninety-five dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand five hundred dollars :

For expenses of fuel, candles, rent of a house for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department at large, (these being paid for by the post-master general, out of the funds of the office,) two thousand dollars :

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

For compensation to the clerks of the commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars :

For defraying the expense of clerk hire in the office of the commissioner of loans for the state of Pennsylvania, in consequence of the removal of the offices of the treasury de-

Specific ap-
propriations.

partment, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars :

For extra expenses occasioned by the removal of the loan office of Pennsylvania to Germantown, during the prevalence of the yellow fever in Philadelphia, in the summer of one thousand eight hundred and two, four hundred and ninety-four dollars :

For extra expenses occasioned by the removal of the office of purveyor of public supplies from Philadelphia, during the prevalence of the yellow fever in the year one thousand eight hundred and two, one hundred and thirteen dollars and fifty cents :

For compensation to the surveyor general and the clerks employed by him, and for expense of stationary and other contingencies of the surveyor general's office, three thousand two hundred dollars :

For completing certain surveys of the lands of the United States, authorized by acts of Congress, including an allowance of five hundred dollars for transcribing plats of surveys near Vincennes, six thousand five hundred and forty-three dollars ;

For compensation to the following officers of the mint, ten thousand six hundred dollars, that is to say—

To 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 : Specific ap-
propriations.

One clerk, at seven hundred dollars :

And two, at five hundred dollars each :

For the wages of persons employed at the different branches of melting, coining, carpenter's, mill-wright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand five hundred dollars :

For repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, pot-ash, and for all other contingencies of the mint, two thousand nine hundred dollars :

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

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

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

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

For 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, and which are of a nature according to the usage thereof, to require payment in specie, two thousand dollars :

For additional compensation to the clerks of the several departments of state, treasury,

Specific ap-
propriations.

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," eleven thousand eight hundred and eighty-five dollars :

For the 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, and to the attorney general, fifty-two thousand nine hundred dollars :

For the like compensations granted to the several district attorneys of the United States, two thousand eight hundred dollars :

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, east and west Tennessee, and Ohio, one thousand four 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 prosecution for offences against the United States, and for safe keeping of prisoners, including an additional appropriation of three thousand seven hundred and two dollars and sixty-six cents, for completing the goal in the city of Washington, forty-three thousand seven hundred and two dollars and sixty-six cents :

For the payment of sundry pensions granted by the late government, nine hundred dollars :

For payment of the annuity granted to the children of the late colonel John Harding, and major Alexander Trueman, by an act of Congress passed the fourteenth of May, one thousand eight hundred, six hundred dollars: Specific appropriations.

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

For the maintenance and support of light-houses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns and lamps, and other contingent expenses, fifty thousand nine hundred and seventy dollars and eighty-two cents :

For re-building the light-house on the eastern end of New Castle island, in addition to the sum heretofore appropriated for that object, five hundred dollars :

For the erection of the light house on Smith's Point, in addition to the sum heretofore appropriated for that object, three hundred and fifty dollars :

For the payment of a balance due on contracts for building the light-house on Cape Hatteras, and beacon on Shell Castle island, and for a compensation to the persons who superintend and inspect the execution of the work, the balance of the former appropriation being carried to the credit of the surplus fund, one thousand dollars :

For the erecting of a light-house on New Point Comfort, in addition to the sum heretofore appropriated for that purpose, three thousand five hundred dollars :

Specific ap-
propriations.

For erecting light houses and placing buoys in the sound between Long Island and the Main, in addition to the sum heretofore appropriated for that purpose, one thousand dollars :

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

For the expenses of intercourse with foreign nations, seventy-five thousand five hundred and sixty-two dollars :

For the salaries of the commissioners under the seventh article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, including half the compensation of the fifth commissioner, the salary of the assessor to the commissioners, the half of expenses of the board, and the contingent expenses of the commissioners of the United States, twenty five thousand five hundred and sixty-six dollars and sixty-seven cents :

For salaries of the agents of the United States in London and Paris, expenses of prosecuting claims and appeals in the courts of Great Britain, relative to captures of the vessels of the United States, and of defending American causes elsewhere, twenty-nine thousand dollars :

For intercourse between the United States and Algiers, and other Barbary powers, one hundred thousand dollars :

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

Sec. 2. *And be it further enacted,* That for the purpose of obtaining further cessions of land from the Indian tribes, the sum of ten thousand dollars be, and the same is hereby appropriated. Specific appropriation.

Sec. 3. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury, not otherwise appropriated.

NATH^l. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 2d, 1803.

APPROVED,

TH: JEFFERSON.

CHAPTER LXXIII.

An ACT, more effectually to provide for the organization of the militia of the district of Columbia.

BE it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States, whenever an increase Militia of Columbia may be organized by President of U. S.

of the militia of the territory, or other circumstance, shall in his opinion make it necessary, to lay off the said militia into additional companies, battalions, regiments, or legions and brigades, and shall appoint and commission, during pleasure, the proper officers for the same.

May appoint officers to cavalry, artillery, &c.

Sec. 2. *And be it further enacted, That* the President of the United States shall, when he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their company or companies with the least possible delay, and every person belonging to the said companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at their own expense, as the commanding officer of the brigade, to which they belong, shall determine on and direct; and the said companies shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; the President may, nevertheless, order them, or any of them, out on duty, as occasion, in his opinion, may require, by entire companies: that no person belonging to any battalion company, shall, under color of enlisting into any company to be made up by voluntary enrolment, be excused from doing duty in the infantry, and in the company in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service, in such volunteer company, according to law, and shall have produced a

Uniform how to be provided.

Conditions of enrolment.

certificate thereof, from the commanding officer of such company, to the commanding officer of the battalion company, to which he did or might properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his legionary district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company, from which he shall so withdraw; which commanding officer shall return all such cases to the first battalion court of enquiry, that shall sit thereafter. And the commanders of the respective legions shall direct by order, to the different commanders of battalions, to what battalions the different volunteer companies shall be attached, and shall parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier general.

Whence they cannot withdraw.

Penalty.

Legionary commanders—their duty.

Sec. 3. *And be it further enacted,* That where any battalion or company districts, or alteration in districts actually laid off, may hereafter be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit and convenient place, and may proceed to lay off or alter any such battalion or company districts, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of enquiry.

Alterations in what cases to be made.

Militia districts—how designated.

Sec. 4. *And be it further enacted,* That it shall be the duty of the commanding officers of the companies to proceed forthwith to divide their companies into divisions by

Commanding officers of companies shall regulate duty, & how.

ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of enquiry. The same regulations shall be observed by every commanding officer of a company, battalion, and legion or regiment, on the subsequent enrolment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly; and any militia man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service, which certificate the said militia man shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is hereby required to enrol him in the numerical class specified therein, and every militia man so removing, and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty; and if any captain or commanding officer of a company shall refuse to grant such certificate upon application to him made for that purpose, he shall for such refusal, incur a penalty of thirty dollars to

Removal of militia-men how to be notified.

Certificates of service provided.

Penalty on refusal of certificate.

be assessed and applied as other fines imposed by this act.

Sec. 5. *And be it further enacted,* That each and every officer appointed, or who may hereafter be appointed, and commissioned, in manner aforesaid, shall, previous to entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, or the court of the county in which such officer resides) to wit: " I

Officers shall be sworn into office.

do swear that I will support the constitution of the United States, and faithfully discharge the duties of _____ in the _____ of the militia of the district of Columbia, to the best of my skill and judgment; so help me God." If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county, there to be entered of record by the clerk.

Oath.

Oath how certified.

Sec. 6. *And be it further enacted,* That the commanding officers of companies shall enrol every able bodied white male, between the ages of eighteen and forty-five years, (except such as are exempt from military duty by the laws of the United States) resident within his district; and that in all cases of doubt, respecting the age of any person enrolled or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of enquiry, within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enrol every such white male, as aforesaid, and all those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eigh-

Who shall be enrolled in militia.

teen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds, and shall, without delay, notify such person of the said enrolment, by a proper non-commissioned officer, by whom such notice may be proved.

Mode of proceeding against delinquents.

Genl courts martial how constituted for superior officers.

Field officers and staff.

Their powers.

Sec. 7. *And be it further enacted,* That the President of the United States, upon complaint for misconduct, lodged with the department of war, in writing, by any one or more commissioned officers, may at his discretion cause to be arrested, any major general or brigadier general, and order a court martial to be composed of all the other general officers, field officers, and captains, or so many of them (having regard to seniority) as shall amount to thirteen, in the militia of the territory; which court martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field officers. And any major general or brigadier general, for misconduct within their own knowledge, or upon complaint lodged in writing, by any commissioned officer, shall have power to arrest any lieutenant colonel commandant, aid-de-camp, brigade inspector, and major, or any other inferior officer; and the commanding officer of the division or brigade, shall order a court martial, for the trial of such lieutenant colonel commandant, aid-de-camp, brigade inspector, to be composed of one brigadier general, and as many lieutenant colonel commandants, majors, and captains, as shall make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall

be final, when approved by the President of the United States. And any brigadier general, lieutenant colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade, shall order a brigade court martial, for the trial of such captain or subaltern, to be composed of one or more field officers, and a sufficient number of captains and subalterns, to make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States. And for obtaining the necessary evidences for the trials aforesaid, the President of the United States, or the presiding officer of the court martial, (as the case may be) shall issue his summonses; and every person so summoned, failing to attend and to give evidence, shall be subject to, and may be tried by a court martial; and if an officer, may at the discretion of a court martial, be cashiered, or fined, not exceeding six months pay, as by law allowed; and if a non-commissioned officer, or soldier, or a person not enrolled, to be reported to the court of enquiry of the regiment, or legion, to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding forty dollars.

Captains and subalterns.

Brigade court martial.

Evidence how to be obtained.

Penalties.

Courts of enquiry.

When and how held.

Oath of members.

Legionary courts of enquiry.

Extraordinary enquiry court.

Sec. 8. *And be it further enacted,* That there shall be battalion courts of enquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this act, in such battalion ; and such courts of enquiry shall be held in the months of May, August, and November, in each year, at some convenient place within the county, to consist of the commanding officer of the battalion, and the commanding officers of companies, which shall belong, or to be attached to such battalion, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards by any other officer of the court, to him: “ I will truly and faithfully enquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favor, partiality, or affection, so help me God ;” the presiding officer shall then lay before the said court, all the delinquencies, as directed by law, whereupon, they shall proceed to hear and determine. And there shall, moreover, be legionary courts of enquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this act, such courts of enquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after the battalion courts of enquiry, in every year ; and moreover, one legionary court extraordinary, shall be, in like manner appointed, and held, during the month of March, in the present year, for the purpose of appointing the company musters of the year, and for

appointing a clerk, povost marshal, and collector, as hereinafter directed, and for other duties, by this act prescribed; the said legionary courts of enquiry to consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form, as prescribed above; the commanding officer of the legion, shall then lay before the said court, all delinquencies, directed by law, whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer, of every such court of enquiry, to return to the next legionary court of enquiry, all delinquent officers, failing to attend the preceding court, to be proceeded against according to law. The legionary court of enquiry, may for good cause shewn, remit any fine imposed by the battalion court, last preceding; the said court, may also exempt any militia man from duty, on account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.

Duties of courts of enquiry.

May remit fines and exempt from duty.

Sec. 9. *And be it further enacted,* That the respective legionary courts of enquiry, shall annually appoint by ballot, a clerk, and provost marshal, who shall attend the courts herein before directed to be held; the clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies, for regular routine of duty, and shall make out for the collector, a fair list of all the fines assessed by the legionary and battalion courts, and one other list which shall be retained by the clerk, on which list the collector's receipts shall be taken: the said lists shall be made out and delivered to the col-

Clerk and provost marshal, shall be appointed by ballot.

List of fines to be kept and by whom.

lector in fifteen days after each legionary court of enquiry, and shall perform all other duties required by this act, and together with the provost marshal, shall receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

Fines incurred heretofore: how disposed of.

Sec. 10. *And be it further enacted*, That all fines incurred under the act of Congress, passed at their last session, empowering the President to organize the militia of the district of Columbia, and not then returned to the officers thereby authorized to collect the same, shall be returned to the first legionary court of enquiry which shall be held in the respective counties, to be by them proceeded with as in the case of fines by this act assessed.

Musters, and at what periods.

Sec. 11. *And be it further enacted*, That there shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrolment, once in every month, except the months of January, February, March, May, October, and December, in each year, to be appointed by the respective legionary courts of enquiry, at such places as may be deemed most convenient within the county, and that the time and place for the musters aforesaid, shall be fixed by the first legionary court of enquiry, which is held next after the passing of this act, subject to such changes as future legionary courts of enquiry may think proper; and there shall be a muster for exercise and inspection of each battalion, in the month of May, in every year, to be appointed by the commanding officer of the brigade, to which such battalions respectively belong, at such places as he may

Master of inspection in May.

think proper within the county. There shall also be a muster of each legion in the month of October, in each year, to be appointed by the commanding officer of the brigade, to which such legion belongs, at such place as he may think most convenient within the legionary district ; which said company, battalion, and legionary musters, shall continue one day, and no longer ; the time and place of such legionary, company, and battalion musters, shall be notified to the commanding officers of legions, thirty days previous thereto ; the commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary companies, and battalion musters, at least twenty days ; the commanding officers of battalions, to the commanding officers of companies, at least fifteen days ; and the commanding officers of companies to their sergeants, at least ten days ; and the sergeants to each person in his company, at least three days before such musters, respectively ; the notices to be given by the commanding officers of brigades, legions, battalions, and companies shall be in writing, delivered to each person to be notified, or left at his usual place of abode, and every sergeant failing to give notice, agreeably to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each and every offence, five dollars, to be assessed and recovered as other fines imposed by this act, nevertheless all notices publicly given by the commanding officers of companies, at their respective musters of any subsequent muster, shall be held and deemed as legal notice, as to all persons present at such mus-

Legionary muster in October.

Muster to continue one day only.

Notice how given, and when.

Notices in writing to commanding officers.

Penalty on omitting to give notice.

Appearance
at muster.

ters. Every officer and soldier shall appear at his respective muster field, on the day appointed, by ten o'clock in the forenoon, armed and equipped. At every muster, the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging thereto, and note down all delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accoutrements, of all under his command, and make accurate return of the whole thereof, to the commanding officer of his battalion, in five days thereafter; and moreover, it shall be the duty of the commanding officers of companies, to have their companies respectively prepared, at the battalion musters, for inspection, by means of returns, the forms of which, to be furnished them by the brigade inspector, through the commanding officers of the legion and battalion, to which they respectively belong, which returns shall be filed, ready to be delivered to the inspector, as he shall commence the inspection of each company. And the commanding officers of legions and battalions, shall at their respective legionary and battalion musters, (as the case may be) take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies, from the commanding officers of companies, before the courts of enquiry, appointed under this act to take cognizance of, and determine on them: and to each of the said returns, shall be annexed the following certificate, to wit; " I do certify, that the returns hereunto annexed, contain all the delinquencies which have occurred since my last return, having duly examined the same."

Forms to be
observed in
returns.

Returns to be
certified.

Sec. 12. *And be it further enacted,* That every commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion, a return of his company, in such manner and form as shall be furnished by the adjutant, from time to time; it shall be the duty of commanding officers of battalions, to make like returns to the commanding officers of legions, within five days thereafter, who shall cause the adjutant of his legion to make legionary returns to the brigade inspector, within ten days thereafter.

Returns of companies how & when made.

Returns of legions.

Sec. 13. *And be it further enacted,* That each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer, and fifer, to be approved of by the commanding officer of his battalion: the appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion; and if any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon him the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall for each offence forfeit and pay a sum, at the discretion of the court of enquiry, not exceeding ten dollars, to be assessed and applied as other fines imposed by this act; and the commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer, whom, on complaint made, and due notice given, he shall find guilty of misconduct, or neglect of duty.

Non-commissioned officers appointment of.

Neglect of duty, penalty on.

Officers to meet for training once a year.

Sec. 14. *And be it further enacted,* That the commissioned officers of the several legions, shall meet once in every year, within their respective legionary districts, for the purpose of being trained and instructed by the brigade inspector; the days and places of meeting to be fixed on by the commanding officer of the brigade to which the legions belong; the officers thus assembled, shall each continue three days, and no longer; every time they are so called out, the eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding legionary court of enquiry, and every officer failing to attend such meeting, on being summoned, not having a reasonable excuse, to be adjudged of by the court of enquiry, shall forfeit and pay, for each day he shall fail so to attend, ten dollars, to be appropriated as other fines are by this act.

Training three days—eldest officer shall call roll.

Penalty on non-attendance.

Misconduct of officers, how treated.

Sec. 15. *And be it further enacted,* That any officer who shall be guilty of disobedience, or other misbehaviour, when on duty, or shall at any time be guilty of any conduct, unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as by this act is directed.

Non-commissioned officers how treated for misconduct.

Sec. 16. *And be it further enacted,* That if any non-commissioned officer or soldier, shall behave himself disobediently, or mutinously, when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel

among his fellow soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall moreover, be fined at the discretion of the court of enquiry, in any sum not exceeding ten dollars, nor less than one dollar, to be appropriated as other fines imposed by this act. Penalty.

Sec. 17. *And be it further enacted*, That if any bystander shall interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined for the day. And that the commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct. Spectators or bystanders interrupting or insulting, liable to punishment.
Parade limits.

Sec. 18. *And be it further enacted*, That all commissioned officers are required to appear in full uniform when on duty, and on failure, shall forfeit and pay five dollars for each offence, to be assessed and appropriated as other fines imposed by this act. Officers on duty shall be in uniform.
Penalty.

Sec. 19. *And be it further enacted*, That a brigade inspector, to act as brigade major, and be commissioned with the rank of major, shall be appointed by the President of the United States, and the lieutenant colonel Brigade inspector

Legionary
staff.

Duties of
brigade in-
specter.

commandants are hereby authorized to appoint a legionary staff, to consist of one adjutant, one quarter master, one pay master, to be taken from the officers of the line, and one surgeon, one surgeons mate, and also, one serjeant major, one quarter master's serjeant, one drum major, and one fife major, which appointments shall be evidenced by warrants under the hand of the lieutenant colonel commandant, and it shall be the duty of the brigade inspector, to attend the brigadier general when required, to receive and execute all orders necessary to carry into effect the provisions of this law, and to attend the annual training of the officers, and at the several legionary and battalion musters, and he shall inspect the several battalions belonging to his brigade, at their respective musters, and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets; and shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President of the United States, and upon refusal or neglect, he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade. And it shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this law, and to attend the legionary and battalion musters as also the meeting of the

Penalty on
neglect of
duty.

Adjutant, his
duty.

officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of enquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia, and he, together with the brigade inspector, shall be allowed such compensation as the legionary courts of enquiry may, from time to time, think reasonable, to be paid out of the funds arising from fines.

Sec. 20. *And be it further enacted,* That the following forfeitures and penalties shall be incurred for delinquencies, viz. By a lieutenant colonel commandant or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing to give notice of a brigade, legionary or battalion muster; to report delinquencies, to make returns of his legion, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to send into service any militia legally called for, three hundred dollars. By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due dispatch, any detachment of men or officers as shall be required from time to time by the commanding officer of his legion, or any

Penalty on neglect

Delinquencies, forfeitures and penalties on.

Commanders of corps.

Major's neglect.

Captain's
neglect.

call from the President of the United States, one hundred and fifty dollars. By a captain, for failing to take an oath, to attend any court, to enrol his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed, to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this act, he shall forfeit and pay for each and every offence and neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall from time to time be legally called from his company, upon any call from the President of the United States, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars. By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each and every such offence he shall forfeit and pay a sum, at the discretion of the court of enquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of enquiry. By a non-commissioned officer or soldier, for failing to repair to his rendezvous when ordered upon any call from the President, he shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of enquiry, and moreover shall be enrolled in the class destined to perform the next tour of duty: all officers failing as before mentioned, shall be

Subaltern's
neglect.

Non-commissioned
officer's neglect.

subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of enquiry. Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of enquiry. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accoutred as the law directs, the court of enquiry before whom the same shall be tried, may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment. Any private at or near the muster ground at any legionary, battalion, or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

Penalties.

Sec. 21. *And be it further enacted*, That the fines and penalties incurred by infants and apprentices, for the breach or neglect of their duty, in any particular service, by law required of them, shall be paid by the parent, guardian or master.

Fines of persons under age, how paid.

Sec. 22. *And be it further enacted*, That the legionary court of enquiry shall, at their first meeting in each year, appoint by ballot, a collector, who shall proceed to collect all fines assessed by virtue of this act, as also, all fines incurred under the act of Congress, at their last session, empowering the President to organize the militia of the district of Columbia, not previously sent out for collection, upon a list thereof, certified by the clerk

Legionary court of enquiry to appoint a collector, and when.

Allowance of
6 per cent.

Collector a
defaulter, to
be sued, and
how.

of the court of enquiry, and delivered to him in sixteen days after each legionary court of enquiry, who shall give his receipt therefor, and having deducted a commission of six per centum, shall account for, and pay the residue into the hands of the paymaster, in three months thereafter, and in case of default, to be recovered against the collector, by motion, in any court of record within said district, ten days notice of such motion being given to the collector, at the first legionary or regimental court of enquiry, after the time before limited, for accounting and paying to the paymaster as aforesaid, the fines collected by the collector, he shall make return, and report to said court of enquiry, of such fines as cannot be collected, by reason of the insolvency or want of effects of the delinquent or delinquents; and if the said collector shall fail to account for, and pay into the hands of the paymaster as aforesaid, in the time limited as aforesaid, all the residue of the fines by him collected as aforesaid, the whole amount of such fines, including his commission, shall be recovered against him, by motion, in any court of record within this district, ten days previous notice of such motion being given to said collector, and if such collector shall fail to make return and report as aforesaid, of such fines as he shall be unable to collect by reason of the causes aforesaid, or shall make a false return and report of the same, the whole amount of the same shall be recovered of said collector, in like manner as if he had actually collected the same. And should any person so charged with fines, fail to make payment when called on, the collector is hereby authorized to make distress

Fines not
paid, how re-
coverable.

and sale therefor. The collector shall, immediately after his appointment, and before he shall proceed to his collection, give bond and security for the faithful performance of his duty, in such penalty as the court of enquiry may think proper.

Collector to give bond and security.

Sec. 23. *And be it further enacted,* That the fines thus paid into the hands of the paymaster by virtue of this act, shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction, and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary; to be adjudged and determined by the legionary courts of enquiry, and all accounts passed by the said court, and certified by the lieutenant colonel commandant, shall be sufficient to authorise the paymaster to pay the same; the paymaster shall keep a regular account of all monies received and disbursed by him on account of the legion, and shall once in every three months, render his accounts, and settle with the court of enquiry. The paymaster shall give bond and security, to be approved of by the court of enquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as is herein prescribed in the case of a delinquent collector, and shall be allowed a commission of two and an half per centum on the several sums by him disbursed.

Fines to be a fund for salaries of officers, musicians, &c. Also for furnishing the necessary equipage, &c.

Paymaster of the legion shall settle his accounts once in three months.

Shall give bond and security.

Two and a half per centum allowed on disbursements.

Sec. 24. *And be it further enacted,* That the President of the United States be authorised and empowered, on an invasion, or insurrection, or probable prospect thereof, to

President authorised to call forth the militia on an invasion or insurrection, &c.—

and to appoint
certain officers
with pay.

Militia when
called forth
how governed.

Courts martial.

Pay and rations
of the militia.

Power of the
commanding
officer of the
district, in case
of invasion or
insurrection.

call forth such a number of militia, and from such county, and in such a manner, whether by rotine of duty or otherwise, as he may deem proper; and for the accommodation, equipment and support of the militia, so at any time to be called forth; the President of the United States may appoint such quarter masters, commissaries, and other staff, as to him shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting and issuing all orders which may be necessary. Orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the district of Columbia, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war, which govern the troops of the United States. And courts martial shall be held as therein are directed, to be composed of militia officers only, for the trial of any person, in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the President of the United States shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States. If a sudden invasion shall be made into either county in this district, or in case of an insurrection in either county, the commanding officer of the militia of the district, or of such county, is hereby authorised and

required to order out the whole or such part of the militia, as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like manner furnish the same; and in the event of any militia ordered out by the commanding officer of a county, or of the district as herein authorised, such officer shall immediately notify the same, and the cause thereof, to the commanding officer of the district, or to the President of the United States, as the case may require.

Sec. 25. *And be it further enacted*, That all arms, ammunition, and equipments of militia, shall be exempted from executions and distress at all times, and their persons from arrests and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service.

Sec. 26. *And be it further enacted*, That the brigadier generals are hereby empowered and authorised to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps, respecting the militia of the district of Columbia, who shall be exempt from all other militia duty, and shall receive such compensation, as the legionary court of enquiry, in which district such orders may from time to time be delivered, shall think proper, on his producing to the court a certificate of his having discharged the said services.

Sec. 27. *And be it further enacted*, That all non-commissioned officers and privates, belonging to battalion companies, shall ap-

Arms, &c. always exempt from execution, and persons from civil arrests while in service.

Brigadier generals may employ couriers.

Their compensation.

Non-commissioned officers and privates of Battalions shall only appear in uniform.

appear while on duty, uniformly clothed, the color and fashion of which uniforms to be determined on for the respective legions, by the first legionary courts of enquiry which shall be held, and to be approved of by the brigadier general, provided the expense of the same, additional to that of usual, ordinary, and cheap clothing, does not exceed five dollars for each person; and every such non commissioned officer, or drummer, or fifer, or private, appearing at any muster held after three months from the time that such uniforms shall have been determined on, and the order relative thereto shall have been published, in some newspaper within the legionary district, and not wearing the same, shall be fined five dollars for each offence; unless he can make it appear to the satisfaction of the court of enquiry of the battalion to which he may belong, that he was unable to equip himself.

or be fined.

Sec. 28. *And be it further enacted,* That the respective courts of enquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorised, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions; and the father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to

Courts of enquiry may bind young men and boys to learn military music.

Their fathers exempt from militia duties.

which he would otherwise belong, as well during his apprenticeship as thereafter; and the several legionary courts of enquiry shall make provision from time to time for the clothing, maintenance, and the properly instructing all such youths, to be paid from the fund arising from the fines imposed by this act; and the commanding officers of legions, shall cause the drummers and fifers and other musicians of their respective legions, to meet at the same times and places that commissioned officers are required to meet, for the purpose of being trained by the brigade inspector, or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person or persons as he may think proper and capable to instruct such drummers and fifers, and other musicians. The person so to be employed by the commanding officer of the legion, to be allowed such compensation as the legionary court of enquiry may authorise, and each drummer and fifer, and other musician, unless an apprentice, shall be allowed during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

Courts of enquiry to provide for the musicians.

Compensation.

Sec. 29. *And be it further enacted*, That the Secretary of war shall cause a sufficient number of copies of this law, together with the act of Congress, more effectually to provide for the national defence, by establishing an uniform militia throughout the United States; and the act of Congress for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions; and the articles of war; to be printed and distributed throughout the territory of

Each commissioned officer to be furnished with the articles of war and militia law.

Columbia, so that every general and field officer therein, and every brigade inspector, and captain, be furnished with one copy each.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXIV.

An ACT in addition to and in modification of the propositions contained in the act, intituled "An act to enable the people of the Eastern division of the Territory Northwest of the river Ohio, to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled; That the following several tracts of land in the state of Ohio, be, and the same are hereby appropriated for the use of schools in that state, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent or purpose whatever, that is to say :

First—The following quarter townships in that tract commonly called the "United States military tract," for the use of schools

Tracts of land appropriated for the use of schools.

within the same, viz. the first quarter of the third township in the first range, the first quarter of the first township in the fourth range, the fourth quarter of the first township and the third quarter of the fifth township in the fifth range, the second quarter of the third township in the sixth range, the fourth quarter of the second township in the seventh range, the third quarter of the third township in the eighth range, the first quarter of the first township and the first quarter of the third township in the ninth range, the third of the first township in the tenth range, the first and fourth quarters of the third township in the eleventh range, the fourth quarter of the fourth township in the twelfth range, the second and third quarters of the fourth township in the fifteenth range, the third quarter of the seventh township in the sixteenth range, and the first quarter of the sixth township and third quarter of the seventh township in the eighteenth range, being the one thirty-sixth part of the estimated whole amount of lands within that tract.

Secondly—The following quarter townships in the same tract for the use of schools in that tract commonly called the Connecticut reserve, viz. the third quarter of the ninth township and the fourth quarter of the tenth township in the first range, the first and second quarters of the ninth township in the second range, the second and third quarters of the ninth township in the third range, the first quarter of the ninth township and the fourth quarter of the tenth township in the fourth range, the first quarter of the ninth township in the fifth range, the first and fourth quarters of the ninth township in the sixth range, the

Tracts of land appropriated for the use of schools.

Tracts of land appropriated for the use of schools.

first and third quarters of the ninth township in the seventh range, and the fourth quarter of the ninth township in the eighth range.

Thirdly—So much of that tract, commonly called the “Virginia military reservation,” as will amount to one thirty-sixth part of the whole tract, for the use of schools within the same, and to be selected by the legislature of the state of Ohio, out of the unlocated lands in that tract after the warrants issued from the state of Virginia shall have been satisfied; it being however understood, that the donation is not to exceed the whole amount of the above mentioned residue of such unlocated lands, even if it shall fall short of one thirty-sixth part of the said tract.

Fourthly—One thirty-sixth part of all the lands of the United States lying in the state of Ohio, to which the Indian title has not been extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of the section No. sixteen, in each township, if the said land shall be surveyed in townships of six miles square, and shall, if the lands be surveyed in a different manner, be designated by lots.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public monies of the several land offices shall be settled, pay three per cent of the nett proceeds of the lands of the United States, lying within the state of Ohio, which since the thirtieth day of June last have been, or hereafter may be sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be

Appropriation for public lands in the State of Ohio.

authorised by the legislature of the said state to receive the same, which sums thus paid, shall be applied to the laying out, opening and making roads within the said state, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury, by such officer of the state as the legislature thereof shall direct: and it is hereby declared, that the payments thus to be made, as well as the several appropriations for schools made by the preceding section, are in conformity with, and in consideration of the conditions agreed on by the state of Ohio, by the ordinance of the convention of the said state, bearing date the twenty ninth day of November last.

Conditions—

Sec. 3. *And be it further enacted*, That the sections of land heretofore promised for the use of schools, in lieu of such of the sections, No. 16, as have been otherwise disposed of, shall be selected by the Secretary of the Treasury, out of the unappropriated reserved sections in the most contiguous townships.

Sections for schools; selection of,

Sec. 4. *And be it further enacted*, That one complete township in the state of Ohio, and district of Cincinnati, or so much of any one complete township within the same, as may then remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, to be located under the direction of the legislature of the said state, on or before the first day of October next, with the register of the land office of Cincinnati, be, and the same is hereby vested in the legislature of the state of Ohio, for the purpose of establishing an academy, in lieu of the township already granted for the same purpose,

Appropriation for establishing an academy.—

by virtue of the act entitled, " An act authorising the grant and conveyance of certain lands to John Cleves Symmes, and his associates: *Provided, however,* that the same shall revert to the United States, if within five years after the passing of this act, a township shall have been secured for the said purpose, within the boundary of the patent granted by virtue of the above mentioned act, to John Cleves Symmes, and his associates.

Provido.

Further provision for an academy.

Sec 5. *And be it further enacted,* That the attorney general for the time being, be directed and authorised to locate and accept from the said John Cleves Symmes, and his associates, any one complete township within the boundaries of the said patent, so as to secure the same for the purpose of establishing an academy, in conformity to the provisions of the said patent, and in case of non-compliance, to take, or direct to be taken, such measures as will compel an execution of the trust: *Provided, however,* That John Cleves Symmes and his associates, shall be released from the said trust, and the said township shall vest in them, or any of them, in fee simple, upon payment into the Treasury of the United States, of fifteen thousand three hundred and sixty dollars, with interest from the date of the above mentioned patent, to the day of such payment.

NATH^l. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXV.

An ACT for the relief of Moses White.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper accounting officers adjust and settle the claim of Moses White, for his additional pay and emoluments as aid-de-camp to brigadier general Moses Hazen, from the first day of August, one thousand seven hundred and eighty one, to the third day of November, one thousand seven hundred and eighty three, upon the same principles which have heretofore prevailed in the settlement of the accounts of aids-de-camp to brigadier generals in the line of the revolutionary army; and that they liquidate the same in like manner as though a final settlement certificate, in the customary form, had been issued therefor, when due.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice-President of the United States, and
President of the Senate.*

March 2, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXVI.

An Act concerning the insurance of buildings, goods and furniture, in the county of Alexandria, in the territory of Columbia.

BE it enacted by the Senate and House of Representatives of the United States of

America, in Congress assembled, That the two incorporated bodies of the state of Virginia, the one known by the name of "The mutual assurance society against fire on buildings, in the state of Virginia;" the other called "a mutual insurance company against fire, on goods and furniture in the state of Virginia," or either of them hereafter making insurances on buildings, goods or furniture, situated in the county of Alexandria, in the district of Columbia, according to the laws, rules and regulations, by which the said societies are or may be respectively governed in their insurances in that state, may have the same right and mode of recovery, in the circuit court of the county of Alexandria, in the district of Columbia, against any person so insuring his building, furniture, or property, as the case may be, situated in the county aforesaid, with either of the said societies, which might have been had against him or her, if the person so insuring was resident, and the building, furniture, or property so insured, was situated in the state of Virginia.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXVII.

An ACT making appropriations for the Military establishment of the United States, in the year one thousand eight hundred and three.

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

Specific appropriations.

For the pay of the army of the United States, two hundred and ninety-nine thousand one hundred and twenty-four dollars :

For forage, four thousand and fifty-six dollars :

For the subsistence of the officers of the army and the corps of engineers, twenty-nine thousand and eighty-six dollars and eighty-five cents :

For the subsistence of non-commissioned officers and privates, one hundred and fifty-four thousand five hundred and forty dollars and seventy-five cents :

For clothing, fifty-six thousand nine hundred and sixty dollars :

For bounties and premiums, eight thousand dollars :

For the medical and hospital department, ten thousand dollars :

For camp equipage, fuel, tools and transportation, and contingent expences, fifty-eight thousand dollars :

For fortifications, arsenals, magazines and

Specific appropriations.—

armouries, one hundred and nine thousand six hundred and ninety-six dollars and eighty-eight cents :

For the Indian department, seventy-three thousand five hundred dollars :

For purchasing maps, plans, books and instruments for the department of war and the military academy, two thousand dollars :

For postage on letters on public service to and from the offices of the adjutant and inspector and paymaster of the army four thousand five hundred dollars :

Sec. 2. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, including any unexpended balance of former appropriations for the same object be, and the same hereby is appropriated for defraying the expense of any treaty or treaties which may be held with the Indians: *Provided*, That the compensation to be allowed to any commissioner appointed or who may be appointed, for negotiating such treaties shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day during the actual service of such commissioner.

Sec. 3. *And be it further enacted*, That the several appropriations heron before made, shall be paid and discharged, first out of any balance remaining unexpended of former appropriations for the same objects respectively, and secondly, out of any monies in the treasury not otherwise appropriated.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXVIII.

An ACT for erecting a Light House at the entrance of Penobscot bay, or any other place in its vicinity, that may be deemed preferable by the Secretary of the Treasury.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That as soon as a cession shall be made by the state of Massachusetts to the United States, of the jurisdiction over the land proper for the purpose, the Secretary of the Treasury be and he is hereby authorised to purchase so much land as may be necessary, and provide by contract, to be approved by the President of the United States, for building a light house on Whitehead at the entrance of Penobscot bay, or any place in its vicinity, that may be deemed preferable by the Secretary of the Treasury, and to furnish the same with all necessary supplies; and also, to agree for the salaries or wages of the persons who may be appointed by the President for the superintendance and care of the same; and that the President be authorised to make the said appointments.

Sec. 2. *And be it further enacted*, That there be appropriated and paid out of the monies arising from imports and tonnage, the sum of seven thousand dollars for the purpose of erecting the light house as aforesaid.

NATH^l. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXIX.

An ACT to make Beaufort and Passamaquoddy, ports of entry and delivery; to make Easton, and Tiverton, ports of delivery; and to authorise the establishment of a new collection District on lake Ontario.

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 June next, a district shall be formed from the district of Newbern, in North Carolina, to be called the district of Beaufort, which shall include the town of Beaufort, and all the water and shore north and east of the said town, to Harbor Island, and all the water and shore south and west of the said town, to Dog Island, inclusive. And the town of Beaufort shall be the sole port of entry and delivery for the said district; and a collector for the said port shall be appointed, to reside and keep his office at the said town of Beaufort, who shall be intitled to receive, in addition to the fees and other emoluments established by law, the annual salary of two hundred dollars.

Sec. 2. *And be it further enacted, That from and after the said thirtieth day of June, Easton, in the district of Oxford, in the state of Maryland, and Tiverton, in the district of Newport, and state of Rhode-Island, shall be ports of delivery, and a surveyor shall be appointed to each; each of whom shall be intitled to receive, in addition to the fees and emoluments already allowed by law, a salary of two hundred dollars per annum.*

District of
Beaufort form-
ed from New-
bern, North
Carolina.

Beaufort port
of entry—

Collector ap-
pointed.

Salary.

Easton, Mary-
land, and Ti-
verton, Rhode-
Island, ports of
delivery.
Surveyor to
each.

Salaries.—

Sec. 3. *And be it further enacted*, That it shall be lawful for the President of the United States, to establish when it shall appear to him to be proper, in addition to the port of entry and delivery already established on lake Ontario, one other port of entry and delivery on the said lake, or on the waters or rivers emptying therein, and to appoint a collector of the customs, to reside and keep an office thereat.

Additional port of entry and delivery, on Lake Ontario.

With a collector.

Sec. 4. *And be it further enacted*, That from and after the said thirtieth day of June next, such place within the district of Passamaquoddy, in the state of Massachusetts, as the Secretary of the Treasury may direct, shall be a port of entry and delivery, (at which place the collector shall reside: as well for foreign as for vessels of the United States.

Port of entry and delivery in Passamaquoddy, Massachusetts.

NATH^l. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXX.

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 it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person or persons, and the legal representa-

Residents in the Mississippi territory

confirmed in
their claims.

tives of any person or persons, who were resident in the Mississippi territory on the twenty seventh day of October, in the year one thousand seven hundred and ninety-five, and who had prior to that day obtained either from the British government of West Florida, or from the Spanish government, any warrant or order of survey for lands lying within the said territory, to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided however*, That no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date either the head of a family, or above the age of twenty-one years.

proviso—

Grant to non-
claimants

Sec. 2. *And be it further enacted*, That to every person, or to the legal representative or representatives of every person who, being either the head of a family, or of twenty one years of age, did on that day of the year seventeen hundred and ninety-seven, when the Mississippi territory was finally evacuated by the Spanish troops, actually inhabit and cultivate a tract of land in the said territory, not claimed by virtue either of the preceding section, or of any British grant, or of the articles of agreement and cession between the United States and the state of Georgia, the said tract of land thus inhabited and cultivated, shall be granted: *Provided however*, That not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty

Provisors.

acres: *And provided also*, That this donation shall not be made to any person who claims any other tract of land in the said territory by virtue of any British or Spanish grant, or order of survey.

Sec. 3. *And be it further enacted*, That every person, and the legal representatives of every person, who being the head of a family, or above the age of twenty-one years, doth at the time of passing this act, inhabit and cultivate a tract of land in the said territory, not claimed by virtue of the preceding sections of this act, or of any British grant, or of the articles of agreement and cession above mentioned, shall be entitled to a preference in becoming the purchaser from the United States, of such tract of land, at the price at which the other lands of the United States in the said territory, are by this act directed to be sold; and payment may be made therefor in the same manner, and under the same conditions as directed by this act for such other lands: *Provided however*, That no interest shall be charged upon any of the instalments until they respectively become payable.

Sec. 4. *And be it further enacted*, That for the disposal of the lands of the United States within the Mississippi territory, two land offices shall be established in the same, one at such place in the county of Adams, as shall be designated by the President of the United States, for the lands lying west of "Pearl river," some times called "half way river;" and one at such place in the county of Washington, as shall be designated by the President of the United States: for the lands lying east of Pearl river: and for each of the said offices, a register and a receiver of public

Refillants entitled to a preference as purchasers.

Without interest.

Two land offices in the Mississippi territory.

Register and receiver of public money in each.

monies shall be appointed, who shall give security in the same manner, and in the same sums, and whose duties and authority shall in every respect be the same in relation to the lands which shall be disposed of at their offices, as are by law provided in relation to the registers and the receivers of public monies in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river.

Sec. 5. *And be it further enacted,* That every person claiming lands by virtue of any British grant, or of the three first sections of this act, or of the articles of agreement and cession between the United States and the state of Georgia, shall before the last day of March, in the year one thousand eight hundred and four deliver to the register of the land office, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and shall also on or before that day, deliver to the said register, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim, and the same shall be recorded by the said register, in books to be kept for that purpose, on receiving from the parties at the rate of twelve and a half cents, for every hundred words contained in such written evidence of their claim; and if such person shall neglect to deliver such notice in writing, of his claim, together with a plot as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the above mentioned articles of agreement, or

Security.

Claimants and
relents to
state their
claims before
the thirty first
March, one
thousand eight
hundred and
four.

Neglect thereof
to bar their
claims.

from the three first sections of this act, shall become void, and forever thereafter be barred; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court in the United States, against any grant derived from the United States.

Sec. 6. *And be it further enacted,* That the register of the land office in Adams county, and two other persons who shall be appointed by the President of the United States alone, shall for the lands lying west of Pearl river, and the register of the land office of Washington county, together with two other persons who shall be appointed by the President of the United States alone, shall for the lands lying east of Pearl river, respectively be commissioners, for the purpose of ascertaining the rights of persons, claiming the benefit of the articles of agreement and cession between the United States and the state of Georgia, or of the three first sections of this act; and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I

do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed upon me, by an act of Congress, entitled, 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, to the best of my skill and judgment." And it shall be the duty of the said commissioners to meet in the county of Adams, and in Washington county aforesaid,

Commissioners
appointed to
settle the
claims.

Their oath or
affirmation.—

Duties.

respectively, on or before the first day of December next, and they shall not adjourn to any other place, or for a longer time than three days, until the first day of April, one thousand eight hundred and four, and until they shall have completed the business of their appointment. And each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination, so far as relates to any rights derived from the articles of agreement above mentioned, or from the three first sections of this act, shall be final; and for the safe keeping of the papers and evidence produced and recording their proceedings, the said boards, respectively, shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, perfect and correct minutes of the proceedings, decisions, meetings and adjournments of the boards, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards shall be transmitted to, and lodged in the office of the Secretary of State; and on or before such clerk's entering on the duties of his office, he shall take and subscribe the following oath or affirmation, to wit: "I do solemnly swear (or affirm as the case may be) that I will truly and faithfully enter and record all minutes, proceedings and decisions of the board of commissioners for the county of _____ appointed under and by virtue of an act of the United States, entitled "An act

Powers,

Appointment
of clerks—

Duties.

Papers, &c. on
dissolution of
the board to
be lodged in
the Secretary
of State's office.

Oath or affir-
mation of the
Clerk.

regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee," and well and faithfully do and perform all other acts and things in the said act, pointed out as the duty of a clerk of the said board, which oath shall be entered on the minutes of the board; and when it shall appear to them that the claimant is entitled to a tract of land under the articles of agreement and cession with Georgia aforesaid, in virtue of a British or Spanish grant legally and fully executed, they shall give a certificate thereof, describing the tract of land and the grant, and stating that the claimant is confirmed in his title thereto by virtue of the said articles; which certificate, being recorded by the register of the land office, whose duty it shall be to record the same in a book to be kept by him for that purpose, shall amount to a relinquishment forever on the part of the United States to any claim whatever to such tract of land: and when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of a settlement under the Bourbon act of Georgia, recognized in the said articles of agreement and cession, or of either of the two first sections of this act, they shall give a certificate thereof, stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this act, which certificate being duly entered with the register of the land office, on or before the first day of January, eighteen hundred and five, shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by this act for the other lands of the Uni-

Titles, when to be granted, and how— under the Georgia cession.

Under the Bourbon act of Georgia.—

ted States, without the party paying any thing therefor, except the surveying expenses and the fees of office. And when it shall appear to the said commissioners that the claimant is entitled to a right of pre-emption by virtue of the third section of this act, they shall give a certificate thereof, directed to the register of the land office; which certificate being duly entered with the register of the land office, on or before the first day of January, eighteen hundred and five, shall entitle the party to become a purchaser for such tract of land: *Provided*, That he shall, prior to the first day of January, eighteen hundred and six, also produce a receipt from the treasurer of the United States, or from the receiver of public monies for at least one fourth part of the purchase money, and also for the payment of the surveying expenses; and the party shall upon payment in full of the purchase money, on which, if any of the three last payments shall be made in advance, he shall be allowed the same discount allowed in similar cases by this act, be entitled to receive a patent, which shall issue in like manner, and on payment of the same fees as are provided by this act for the other lands of the United States; but if such person shall neglect to enter his certificate, on or before the first day of January, eighteen hundred and five, or to make such first payment as above provided; his right of pre-emption shall cease and become void: *Provided also, and it is further enacted*, That whenever a tract of land to which any person might be entitled by virtue of the three first sections of this act, shall also be claimed by the holder of a British patent, legally and fully executed, and duly recorded in conformity

Right of pre-emption.

Proviso.

Proviso.

to the provisions of this act, who is not confirmed in his claim by the articles of agreement above mentioned, the commissioners shall, in the certificate granted to the person claiming the land by virtue of this act, state the existence of the adverse claims, in which case the party shall not be entitled to a patent, unless he shall have obtained in his favour a judicial decision in a court having jurisdiction therein, and for every certificate so granted by the boards respectively the clerk of the board granting the same, shall be entitled to demand and receive of the party to whom the same is granted, the sum of two dollars.

Clerk to receive two dollars for every certificate.—

Sec. 7. *And be it further enacted*, That the commissioners aforesaid, shall, on or before the first day of December, one thousand eight hundred and four, make to the Secretary of the Treasury a full report of all the British grants legally and fully executed, which have been duly recorded in conformity to the provisions of this act, the title of which is not confirmed to the holders thereof, by the articles of agreement above mentioned, stating the present situation of the lands, the date of such grants, the conditions annexed thereto, and how far the same have been fulfilled, together with such other remarks thereon as they may think proper; which report shall be laid before Congress at their next session, and the lands contained in such grants shall not be otherwise disposed of, until the end of one year after that time.

Commissioners shall report to the Secretary of the Treasury.

Report to be laid before Congress.—

Sec. 8. *And be it further enacted*, That so much of the five millions of acres reserved for that purpose by the articles of agreement above mentioned, as may be necessary to satisfy the claims not confirmed by that agree-

Unconfirmed claims provided for.

ment, which are embraced by the two first sections of this act, or which may be derived from British grants for lands which have not been regranted by the Spanish government, be, and the same is hereby appropriated for that purpose; and so much of the residue of the said five millions of acres or of the nett proceeds thereof as may be necessary for that purpose, shall be, and is hereby appropriated, for the purpose of satisfying, quieting and compensating, for such other claims to the lands of the United States south of the state of Tennessee, not recognized in the above mentioned articles of agreement, and which are derived from any act or pretended act of the state of Georgia, which Congress may hereafter think fit to provide for, provided however that no other claims shall be embraced by this appropriation, but those, the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose, at the expense of the party exhibiting the same, who shall pay to the person employed by the Secretary of State for recording the same, at the rate of twelve and an half cents for every hundred words contained in each document thus recorded; nor shall any grant, deed, conveyance, or other written evidence of any claim to the said lands, derived, or pretended to be derived from the state of Georgia, and not recognised by the above mentioned articles of agreement, ever after be admitted or considered as evidence in any of the courts of the United States, unless it shall have been exhibited, and recorded, in the manner and within the time above mentioned;

Provido—

and provided also, that nothing herein contained, shall be construed to recognise or affect the claims, of any person or persons, to any of the lands above mentioned; and provided also, that no certificate shall be granted for lands lying east of the Tombigby river, nor for lands situated without the boundary lines established by treaty between the United States and the Choctaws, made the seventeenth day of October, in the year eighteen hundred and two.

Sec. 9. *And be it further enacted,* That the Secretary of State, the Secretary of the Treasury and the attorney general for the time being, be, and are hereby authorized and empowered to receive such propositions of compromise and settlement, as may be offered by the several companies, or persons claiming public lands in the territory of the United States, lying south of the state of Tennessee, and west of the state of Georgia; and report their opinion thereon to Congress at their next session.

Authority given to receive propositions of compromise.—

Sec. 10. *And be it further enacted,* That a surveyor of the lands of the United States, south of the state of Tennessee, shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause the lands above mentioned, to which the titles of the Indian tribes have been extinguished, to be surveyed and divided in the manner hereafter directed, and to do and perform all such other acts, in relation to the said lands, as the surveyor general is authorized and directed to do in relation to the lands lying north west of the river Ohio, and above the mouth of the river Kentucky.

Land surveyor south of Tennessee appointed, who shall engage his deputies.—
Duties.—

Sec. 11. *And be it further enacted,* That the lands for which certificates of any descrip-

Further duties of the surveyor.

tion whatever, shall have been granted by the commissioners in pursuance of the provisions of this act, shall, as soon as may be, be surveyed under the direction of the surveyor of the lands of the United States above mentioned, in conformity to the true tenor and intent of such certificates; and the said surveyor shall also cause all the other lands of the United States, in the Mississippi territory, to which the Indian title has been extinguished, to be surveyed as far as practicable, into townships, and subdivided into half sections, in the manner provided for the surveying of the lands of the United States situate north west of the river Ohio, and above the mouth of Kentucky river, and shall transmit to the registers of the land offices respectively, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury; and he shall also, with the approbation of the said Secretary, fix the compensation of the deputy surveyors, chain carriers, and axe men: *Provided*, That the whole expense of surveying and marking the lines shall not exceed four dollars for every mile that shall be actually run, surveyed and marked: *And provided*, That the expense of surveying those tracts of land, to which the title of the claimants is confirmed by the articles of agreement, or by the two first sections of this act, and those tracts claimed under British grants, a return of which is to be made to Congress, shall not be advanced by the United States, but shall be paid to the deputy surveyor by the parties claiming the same; and that in relation to all the lands sold by the United States, the purchaser shall make the same payment for surveying expenses, which

Expenses of
Surveying.

is directed by law to be made for lands sold north of the river Ohio.

Sec. 12. *And be it further enacted*, That all the lands aforesaid, not otherwise disposed of, or excepted by virtue of the preceding sections of this act, shall, with the exception of the section number sixteen, which shall be reserved in each township for the support of schools within the same, with the exception also of thirty-six sections to be located in one body by the Secretary of the Treasury for the use of Jefferson college, and also with the exception of such town lots not exceeding two in the town of Natchez, and of such an outlet adjoining the same, not exceeding thirty acres, as may be the property of the United States to be located by the governor of the Mississippi territory, for the use of the said college, be offered for sale to the highest bidder, under the direction of the governor of the Mississippi territory, of the surveyor of the lands of the United States, above mentioned, and of the register of the land office at the places respectively, where the land offices are kept, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open at each place for three weeks and no longer; and all lands, other than the section number sixteen, remaining unsold at the closing of the public sales, may be disposed of at private sale by the registers of the respective land offices in the same manner, under the same regulations, for the same price, and on the same terms and conditions as is provided by law, for the sale of the lands of the United States, north of the river Ohio, by an act, intituled,

The lands aforesaid unappropriated to be sold.

Under whose Directions.—

Sales to remain open for three weeks,—then private sales, by whom—

and on what terms.

“An act to amend the act intituled, an act providing for the sale of the lands of the United States, in the territory north west of the Ohio, and above the mouth of Kentucky river:” *Provided always*, That the lands which may be sold at public sale by virtue of this act, shall not be sold for less than two dollars per acre, and shall in every other respect be sold on the same terms and conditions as was provided for the lands sold at public sale, by the last recited act. And patents shall be obtained for all lands granted or sold in the Mississippi territory in the same manner and on payment of the same fees as is provided for lands sold north of the river Ohio, by the said last recited act; *Provided however*, That evidences of the public debt of the United States shall not be received in payment for the purchase of said lands.

Sec. 13. *And be it further enacted*, That the registers of the land offices, and the receivers of public monies, appointed in pursuance of this act shall receive the same fees and compensation as the registers and receivers of the land offices, north of the river Ohio, and the registers shall also be entitled to receive twenty-five cents for entering each certificate granted by the commissioners above mentioned. The surveyor of the lands of the United States, appointed in pursuance of this act, shall receive an annual compensation of fifteen hundred dollars, and shall be allowed not exceeding two clerks, whose whole compensation shall not exceed one thousand dollars per annum. The commissioners appointed to ascertain the rights of persons claiming the benefit of the articles of agreement above mentioned, and of this act, shall receive each a

Proviso.

Patent fees

Proviso.

Fees of the registers of the land office, and receivers of public monies—

Salary of the Surveyor—

and of his two clerks.

Compensation of the commissioners.

compensation of two thousand dollars for the whole of their services, the registers of the land offices excepted, who shall receive only five hundred dollars each, for their services as commissioners; the clerks of the boards of commissioners a compensation not exceeding seven hundred and fifty dollars each; and the superintendants of the public sales shall receive six dollars each, for each day's attendance on the said sales.

and of their clerks.

Pay of the superintendants.

Sec. 14. *And be it further enacted*, That the President of the United States shall have full power to appoint and commission the surveyor, registers of the land offices, and receivers of public monies above mentioned, in the recess of Congress, and their commissions shall continue in force until the end of the session of Congress next ensuing such appointment.

Commissions of the surveyor, register of the land office, and receiver of public monies.

Sec. 15. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, be, and the same is hereby appropriated for the purpose of carrying this act into effect; which sum shall be paid out of any unappropriated monies in the treasury.

Appropriation for this act.--

Sec. 16. *And be it further enacted*, That the nett proceeds of the lands which may be sold by virtue of this act, after deducting the surveying expenses and other expenses incident to the sale thereof, shall, and the same are hereby appropriated in the first place, towards paying to the state of Georgia a sum of one million two hundred and fifty thousand dollars, in pursuance of the articles of agreement and cession entered into between the United States and that state; and the Secretary of the Treasury is hereby authorised and directed to pay accordingly, and from time to

Appropriation of the monies arising from the above sales.

time, as the same shall be received in the treasury of the United States, so much of the said nett proceeds as will amount to the said sum of one million two hundred and fifty thousand dollars.

Navigable rivers south of Tennessee to remain public.

Sec. 17. *And be it further enacted*, That all navigable rivers within the territory of the United States, south of the state of Tennessee, shall be deemed to be and remain public highways.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXXI.

An ACT concerning the Salt Springs on the waters of the Wabash river.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the purpose of procuring articles necessary to the establishment of salt works, at the springs near the Wabash river, which have been ceded to the United States, by certain Indian tribes, the sum of three thousand dollars be, and the same is hereby appropriated, to be paid out of any unappropriated money in the treasury, and under the direction of the President of the United States, who is hereby authorised to cause the said springs to be worked at the expense of the United States; or, if he shall deem it more proper, to lease the same

for a term not exceeding three years, on such conditions as will insure the working the same most extensively, and to the most advantage to the United States.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXXII.

An ACT concerning the City of Washington.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the superintendant of the city of Washington shall be, and he hereby is allowed as a compensation for his services, a salary of one thousand two hundred dollars, annually.

Salary of the superintendant.

Sec. 2. *And be it further enacted,* That the surveyor of the city shall receive as a compensation for his services, an allowance of three dollars for every day during which he shall be actually employed.

Allowance to the surveyor.

Sec. 3. *And be it further enacted,* That the following sums be, and the same hereby are appropriated for defraying the expense in relation to the said officers, that is to say:

Sums appropriated.

For the salary of the superintendant for the year one thousand eight hundred and three, including an allowance at the same rate for six months of the preceding year, one thousand eight hundred dollars:

For clerk hire in his office, five hundred dollars:

For the wages of the surveyor, one thousand dollars:

For a messenger to both offices, and also to attend the surveyor in the field, two hundred dollars:

For fuel, stationery and other contingent expenses of both offices, two hundred dollars.

Sec. 4. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of any monies in the hands of the said superintendant arising out of the city funds.

To be paid out of the city funds.

Sec. 5. *And be it further enacted*, That a sum not exceeding fifty thousand dollars, shall be and is hereby appropriated, to be applied under the direction of the President of the United States, in such repairs or alterations in the capitol and other public buildings as may be necessary for the accommodation of Congress in their future sessions, and also for keeping in repair the highway between the capitol and other public buildings; which sum shall be paid out of any money in the treasury of the United States not otherwise appropriated.

Appropriation from the treasury.

NATH^l. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXXIII.

An ACT to revive and continue in force, an act in addition to an act, intituled, " An act in addition to an act regulating the grants of land appropriated for Military services and for the Society of the United Brethren for propagating the gospel among the Heathen;" 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 first section of an act in addition to an act intituled " An act in addition to an act regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen, approved the twenty sixth of April, eighteen hundred and two, be, and the same is hereby revived and continued in force until the first day of April next.

Sec. 2. *And be it further enacted,* That the Secretary of War be, and he hereby is authorized, from and after the first day of April next, to issue warrants for military bounty lands to the two hundred and fifty four persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same to the Secretary of war, in pursuance of the act of the twenty sixth of April eighteen hundred and two, intituled " An act in addition to an act, intituled, an act in addition to an act regulating the grants of land appropriated for military services and for the society of the United Brethren for propagating the gospel among the Heathen."

Revived and continued in force four weeks.
Secretary of War to issue land warrants; when and to whom.

Where to be located.

Sec. 3. *And be it further enacted*, That the holders or proprietors of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants only, on any unlocated parts of the fifty quarter townships and the fractional quarter townships which had been reserved for original holders, by virtue of the fifth section of an act intituled " An act in addition to an act intituled an act regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen."

Land warrants to general La Fayette.

Sec. 4. *And be it further enacted*, That the Secretary of War be, and he is hereby authorized to issue land warrants to Major General La Fayette, for eleven thousand five hundred twenty acres, which shall at his option, be located, surveyed and patented, in conformity with the provisions of an act intituled an act regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen, or which may be received acre for acre, in payment for any of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river.

Unappropriated lands within the military tract; how to be surveyed.

Sec. 5. *And be it further enacted*, That all the unappropriated lands within the military tract, shall be surveyed into half sections, in the manner directed by the act intituled " An act to amend the act intituled an act providing for the sale of the lands of the United States in the territory north-west of the Ohio, and above the mouth of Kentucky river;" and that so much of the said lands as lie west of the eleventh range within the said

Part to be at-

tract. shall be attached to, and made a part of the district of Chillicothe, and be offered for sale at that place, under the same regulations that other lands are within the said district.

Sec. 6. *And be it further enacted*, That the lands within the said eleventh range, and east of it, within the said military tract, and all the lands north of the Ohio company's purchase, west of the seven first ranges, and east of the district of Chillicothe, shall be offered for sale at Zanesville, under the direction of a Register of the Land Office and receiver of public monies to be appointed for that purpose, who shall reside at that place, and shall perform the same duties and be allowed the same emoluments as are prescribed for and allowed to Registers and receivers of the Land Offices by law.

Sec. 7. *And be it further enacted*, That all persons who have obtained certificates for the right of pre-emption to lands by virtue of two acts, the one intitled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates for lands lying between the Miami rivers in the territory of the United States north west of the Ohio," and the other "An act to extend and continue the provisions of the said act, passed on the first day of May, eighteen hundred and two, and who have not made the first payment therefor, before the first day of January last shall be allowed until the tenth day of April next to complete the same; and that all persons who have become purchasers of land by virtue of the afore-said acts, be, and they are hereby allowed until the first day of January, eighteen hundred and five, to make the second instal-

tached to the district of Chillicothe; and for sale.

Certain tracts for sale.

Where to be offered.

Register and receiver appointed.

Duties and compensation.

Possessors of rights of pre-emption under John Cleves Symmes and others, allowed further time of payment.

ment; until the first day of January, eighteen hundred and six, to make their third instalment; and until the first day of January, eighteen hundred and seven to make their fourth and last instalment; any thing in the acts aforesaid, to the contrary notwithstanding.

Sec. 8. *And be it further enacted*, That where any warrants granted by the state of Virginia, for military services, have been surveyed on the north west side of the river Ohio, between the Sciota and the little Miami rivers, and the said warrants, or the plats and certificates of survey made thereon, have been lost or destroyed, the persons entitled to the said land may obtain a patent therefor, by producing a certified duplicate of the warrant from the land office of Virginia, or of the plat and certificate of survey from the office of the surveyor in which the same was recorded, and giving satisfactory proof to the Secretary of War, by his affidavit, or otherwise, of the loss or destruction of said warrant, or plat and certificate of survey.

NATH^L. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1805.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXXIV.

An ACT for the relief of Insolvent Debtors within the District of Columbia.

BE. it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any

Land patents how to be obtained when the military warrants are lost or destroyed.

debtor who now is, or may hereafter be, in actual confinement in jail, in the district of Columbia, at the suit of any creditor, may apply by petition in writing, to any one of the judges of the circuit court of the district of Columbia, and offer to deliver up, for the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled, a schedule whereof, on oath or affirmation, together with a list of his creditors, as far as he can ascertain them, shall be annexed to and exhibited with his petition; and thereupon the said judge shall direct notice of such application to be published in some of the public newspapers, for such time as he may think proper, which notice shall likewise require the attendance of the creditors at the court-house of the county, in which the petitioning debtor is confined, and at such time as the said judge may appoint; and it shall be the duty of the said judge, and of the clerk, of the county, to attend at the time and place appointed; and on the appearance of the creditors, either in person or by attorney, agreeably to the notification, or on their neglect to appear, the said judge shall administer to the debtor the following oath: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm,) that I will deliver up, convey and transfer, for the use of my creditors, all my property that I have any title to or claim any interest in, whether in possession, remainder or reversion, and all claims, rights and credits that I have or am in any manner entitled to; and that I have not at any time given, sold, conveyed, lessened or disposed of for the use or benefit of myself, or any other person or persons, any part of my money or other property, claims, rights or credits, thereby

Debtors confined in the jail of the district of Columbia may petition for relief.

In what manner.

Oath or affirmation of the debtor.

to defraud my creditors, or any of them, or to secure the same with a view or expectation to receive any profit, benefit or advantage thereby," and the said judge shall thereupon appoint such person, as a majority of the creditors in value, their agents or attorneys then present, shall recommend, to be a trustee, for the benefit of the creditors of the petitioning debtor; or in case of non-attendance of the creditors, or of their not making a recommendation, the said justice shall name such person as he shall think proper, to be a trustee as aforesaid.

Trustee appointed.

Who shall give bond and security.

Sec. 2. *And be it further enacted,* That before the said trustee shall proceed to act, he shall give bond to the United States in such penalty and with such security as the said judge shall approve, conditioned for the faithful performance of his trust, which shall be recorded in the clerk's office of the county in which the proceedings are had; and a certified copy thereof shall be received as evidence in any court of law in the United States; and the said bond may be sued in the name of the United States, for the use of any person or persons who may conceive him or themselves aggrieved by the negligence or misconduct of the trustee. And in case of the death or refusal to act of any trustee, the said judge may appoint another in his place, who shall give bond in manner as aforesaid.

In case of death or refusal to act, another appointed.

The petitioning debtor discharged, and how.

Sec. 3. *And be it further enacted,* That upon the petitioning debtor's executing a deed or deeds to the said trustee, conveying all his property, real, personal and mixed, and all his claims, rights and credits, agreeably to the oath or affirmation of the said debtor, and on delivering all his said property which he shall have in his possession, together with his

books, papers and evidences of debts of every kind, to the said trustee, and the said trustee's certifying the same to the said judge in writing, it shall be lawful for the said judge to make an order to the marshal, jailor or keeper of the prison, in which said debtor is then confined, commanding that the said debtor shall be thenceforth discharged from his imprisonment; and he shall be immediately discharged, and the said order shall be a sufficient warrant therefor: *Provided*, That no person who has been guilty of a breach of the laws, and who has been imprisoned for or on account of the same, shall be discharged from imprisonment: *And provided likewise*, That any property which the debtor may afterwards acquire, (except the necessary wearing apparel and bedding for his family, and his tools if a mechanic or manufacturer,) shall be liable to the payment of his debts, any thing herein to the contrary notwithstanding.

Prov'iso.

Sec. 4. *And be it further enacted*, That the said judge may allow such petitioning debtor and his family, to retain their necessary wearing apparel and bedding, and if the said debtor be a mechanic or manufacturer, he may likewise retain the tools of his trade.

Wearing apparel, bedding & tools of trade allowed

Sec. 5. *And be it further enacted*, That the said judge may direct the trustee to sell and convey the property of the petitioning debtor, at such time, and on such terms and conditions as he shall deem most to the advantage of the creditors, and the product thereof, after satisfying all incumbrances and liens, shall be divided among the creditors in proportion to their respective claims: and no process against the real or personal property of the debtor shall have any effect or

Property of the debtor how sold.

Product thereof how divided.

What processes only can take effect.

operation, except process of execution, and attachments in the nature of executions, which shall have been put into the hands of the marshal antecedent to the application.

Trustee may sue in his own name.

Sec. 6. *And be it further enacted*, That every trustee may sue for, in his own name, any property or chose in action assigned to him by virtue of this act.

Fraud or deceit towards creditors.

Sec. 7. *And be it further enacted*, That if any creditor, at any time within two years after the application of such debtor, shall allege in writing, to the circuit court of the district of Columbia, or at any other court of the United States, within whose jurisdiction such debtor may be found, that such debtor had at the time of his application as aforesaid, directly or indirectly conveyed, lessened or disposed of any part of his property, rights or credits, with intent to defraud his creditors, or had at any one time within twelve months next preceding said application, lost by gaming more than three hundred dollars, or had assigned or conveyed any part of his property, rights or credits, with intent to give a preference to any creditor or creditors, or any surety, the said court shall thereupon order notice of such allegation to be given in writing to the debtor, and upon his appearance before them, or on his neglect to appear, after proof that notice has been served, the said court shall, within a reasonable time examine the debtor or any other person, upon interrogatories on oath, touching the substance of the said allegations, or may direct an issue or issues to be tried in a summary way, without the form of an action, to determine the truth of the same; and if upon the answer to the said interrogatories, or

Debtor gaming to a certain extent.

upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming as aforesaid, or of having given any preference as aforesaid, he shall be precluded from any benefit under this act; and in case such debtor, or any other, testifying either for or against him, shall at any time thereafter be convicted of falsely wilfully and corruptly swearing or affirming to any matter or thing in virtue of this act, he shall suffer as in the case of wilful perjury, and upon such conviction of the debtor, or any other person testifying for him, he shall be forever precluded from any benefit under this act.

False testimony or corrupt swearing or affirming.

How punished.

Sec. 8. *And be it further enacted*, That every judge charged with the execution of this act, may, in the respective cases which may be brought before him, allow the trustee a commission not exceeding eight per centum for his trouble, on the amount of debts paid by him; and if any complaint shall be made to the said judge of the misconduct of any trustee by any creditor, or by the debtor, the said judge may call such trustee before them, and enquire into the cause of complaint, and may make such rules and orders as he may think proper for the accomplishment of the object of the trust, and may in his discretion remove such trustee and appoint another in his place.

Trustee allowed a commission.

Trustee may be superseded for misconduct.

Sec. 9. *And be it further enacted*, That the acting judge may by order, limit and appoint a time for creditors to bring in and exhibit their claims to the trustee, and if the said trustee should think proper to contest any claim exhibited against the debtor, it shall be his duty to report the same to the

Exhibition of claims to the Trustee.

Contested claims how settled.

judge having cognizance of the case, who may examine the creditor and debtor upon oath respecting the same, and may submit to a jury, such issues as shall be proper to settle the points in contest, or may appoint two indifferent persons to act as arbitrators between the parties, with a power, if they differ, to chuse an umpire, and a decision thus made shall be final between the parties; and the said justice may order any part of the debtor's estate to be set apart, and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a debt is due, shall collude with a debtor to gain an undue preference, or for the concealment of any part of the debtor's estate or effects or shall contrive or concert any acknowledgement of the debtor by parol, or in writing, to give false color to his claim, such creditor shall lose the whole of his debt.

Provision for contested claims.

Collusion forfeits the debt.

Debtor arrested after being relieved, how to be discharged, and in what cases.

Sec. 10. *And be it further enacted*, That if any debtor who shall have been relieved under this act, shall be arrested or imprisoned on any process sued out on any judgment or decree, obtained against him for any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned or returnable, or any judge thereof, shall discharge such debtor; and if any such debtor shall be arrested or imprisoned on any process for the recovery of any debt, damages or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned, or returnable, or any judge thereof, shall discharge such debtor out of custody, on his common appearance being entered, without

special bail: *Provided*, and it is the true intent and meaning of this act, that no discharge whatever under this act shall be construed or taken as a discharge of any other person from any debt, contract or engagement of any kind or nature soever.

Sec. 11. *And be it further enacted*, That when the acting judge shall as above prescribed, give to the marshal an order for the discharge of a debtor, it shall be the duty of the said judge to lodge with the clerk of the county in which the discharge shall take place, a certificate in the following words, viz "I do hereby certify, that I have this day ordered the marshal of the district of Columbia, to discharge from imprisonment A. B. an insolvent debtor, agreeably to the act of the Congress of the United States, entitled, " An act for the relief of insolvent debtors within the district of Columbia," which said certificate shall be recorded by the said clerk, and a copy thereof under seal, shall be received in evidence, in any court of law in the United States.

The judge shall lodge with the clerk of the county the

Certificate of discharge.

Copy of the recorded certificate evidence in law.

Sec. 12. *And be it further enacted*. That if any judge before whom the operation of this act in any particular case shall have been commenced, shall die, resign his office or become disqualified, the proceedings may be completed by any other judge of the said court, in the same manner as if they had been originally commenced before him.

Unfinished acts of a judge how completed.

Sec. 13. *And be it further enacted*, That the application of the debtor, the appointment of a trustee, the deed from the debtor to the trustee, the several claims exhibited to the trustee and the amount of sales of the debtor's property shall be transmitted to and recorded by the clerk of the county in which

What papers are to be recorded by the county clerk.

Copies of the record legal evidence.

Clerks fees how payable

Limitation to the effect of this discharge.

Circuit court shall determine the allowance of prisoners in civil suits.

Who shall not be detained unless provided for—by

With prison fees.

Proviso.

Prison bounds in the district.

the debtor was confined at the time of his application; copies of which, under seal, shall be received as evidence in any court of law in the United States, and the clerk shall receive the same fees as are fixed by law for the like services in other cases, to be paid by the trustee out of the first proceeds of the debtor's estate that may come into his hands.

Sec. 14. *And be it further enacted*, That no discharge of an insolvent debtor under this act shall have a greater effect in any particular state than if such debtor had been discharged under the insolvent debtor's law of any other state.

Sec. 15. *And be it further enacted*, That the circuit court of the district of Columbia, shall, by a general order to be entered on the records of the said court, fix the daily allowance for the support and maintenance of prisoners in execution for debt or damages in civil suits, which allowance the said court may, by a like general order, increase or diminish from time to time, as circumstances may require. And no person taken in execution for debt or damages in a civil suit, shall be detained in prison therefor, unless the creditor, his agent or attorney, shall after demand thereof by the marshal, pay or give such security, as he may require, to pay such daily allowance, and the prison fees: *provided*, that a release from prison for want of such payment or security, shall not discharge the debt; but the body of the debtor shall never be again taken in execution therefor.

Sec. 16. *And be it further enacted*, That the said court may cause to be marked and laid out, reasonable bounds of the pri-

sons in the said district, to be recorded in the same court ; and from time to time, may renew, enlarge, or diminish the same. And every prisoner not committed for treason or felony, giving such security to keep within the said bounds, as any judge of the said court shall approve, shall have liberty to walk therein, out of the prison, for the preservation of his health; and keeping continually within the said bounds, shall be adjudged in law a true prisoner.

Liberty of the prisoners under approved security.

Sec. 17. *And be it further enacted*, That the provisions of this act shall not be construed to extend to any debtor who is or shall be imprisoned at the suit of the United States, nor to alter, lessen, or impair the right of the United States, to be first satisfied out of the estates of persons indebted to them; nor to any debtor who has not resided in the district of Columbia one year next preceding his said application.

Public debtors & non-residents a year, excluded the provisions of this act.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803.

APPROVED.

TH: JEFFERSON.

CHAPTER LXXXV.

AN ACT directing a detachment from the Militia of the United States, and for erecting certain arsenals.

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, whenever he shall judge it expedient, to require of the executives of such of the states as he may deem expedient, and from their local situation shall be most convenient, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning a detachment of militia not exceeding eighty thousand, officers included.

President authorized to order eighty thousand militia in readiness.

Sec. 2. Be it further enacted, That the President may if he judges it expedient, authorize the executives of the several states, to accept as part of the detachment aforesaid, any corps of volunteers; who shall engage to continue in service for such time, not exceeding twelve months, and perform such services as shall be prescribed by law.

Volunteers for a year included.

Sec. 3. Be it further enacted, That the detachments of militia and volunteer corps as aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the Constitutional authority in each state respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

Appointment of officers.

Sec. 4. *Be it further enacted*, That one million five hundred thousand dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted ; for the purchase of ordnance and other military stores ; and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States ; to be applied under the direction of the President, out of any money in the treasury, not otherwise appropriated. Specific appropriations.

Sec. 5. *And be it further enacted*, That twenty-five thousand dollars be appropriated for erecting at such place or places on the western waters, as the President may judge most proper, one or more arsenals ; and that the President cause the same to be furnished with such arms, ammunition and military stores as he may deem necessary.

NATH^L. MACON

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803.

APPROVED,

TH : JEFFERSON.

CHAPTER LXXXVI.

AN ACT to alter the time of holding the court of the United States in Kentucky district:

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of April next, the sessions of the court of the United States for Kentucky district shall commence on the first Mondays in March, July, and November in every year; any law to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That all suits, process, and proceedings of what nature or kind soever, pending in, or made returnable to the said court, shall, after the said first day of April next, be continued over until the next court to be held in conformity to this act.

NATH^L. MACON,

Speaker of the house of Representatives.

A. BURR.

*Vice President of the United States, and
President of the Senate.*

March 2. 1803.

APPROVED,

TH: JEFFERSON.

CHAPTER LXXXVII.

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.

NATH^L. MACON,

Speaker of the House of Representatives,

STEPHEN R. BRADLEY,

President of the Senate, pro tempore.

March 3, 1803.

APPROVED,

TH: JEFFERSON.

CHAPTER LXXXVIII.

AN ACT in addition to the act, intituled "An Act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Samuel Rogers, one of the claimants under the

act intituled “ An act for the relief of the refugees from the British provinces of Canada and Nova Scotia,” shall be entitled to two thousand two hundred and forty acres of land to be located in the manner and within the boundaries of the tract designated by the act to which this act is a supplement, and shall receive a patent for the same in the manner directed by the said last mentioned act.

NATH^L. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803.

APPROVED,

TH: JEFFERSON.

CHAPTER LXXXIX.

AN ACT to prolong the continuance of the Mint at Philadelphia.

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 3d, 1801, is hereby continued in force and operation for the term of

five years after the fourth day of March next.

NATH^L. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803,

APPROVED,

TH: JEFFERSON.

CHAPTER XC.

AN ACT to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled, That any commissioned officer, non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, by wounds received during the revolutionary war, and who did not desert the said service, shall be intitled to be placed on the pension list of the United States during life: Provided, that in substantiating the claims there- to, the rules and regulations following, shall be complied with :

Persons en- titled to be placed on the pension list.

Provido.

First. All evidence shall be taken on oath or affirmation before the judge of the dis-

Evidence;

before whom
to be taken.

district in which such invalid reside, or before some person specially authorised by commission from the said judge.

Nature of the
Evidence.

Secondly. The evidence relative to any claimant, must prove decisive disability to have been the effect of known wounds received while in the actual line of his duty, in the service of the United States, during the revolutionary war : that this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps, or company in which such claimant served, or two other credible witnesses to the same effect, setting forth the time and place of such known wound.

Nature of the
Disability.

Thirdly. Every claimant shall be examined on oath or affirmation, by some respectable physician or surgeon, to be authorised by commission from the said judge, who shall report in writing his opinion, upon oath or affirmation, of the nature of said disability, and in what degree it prevents the claimant from obtaining his livelihood.

Requisite
time of ser-
vice.

Fourthly. Every claimant must produce evidence of his having continued in the service of the United States, to the conclusion of the war in seventeen hundred and eighty-three, or being left out of the service in consequence of his disability, or in consequence of some derangement of the army, and of the mode of life or employment he has since followed, and of the original existence and continuance of his disability.

Cause of de-
ficiency, the
applicant is to
be stated.

Fifthly. Every claimant must shew satisfactory cause to the said judge of the district, why he did not apply for a pension in conformity to laws heretofore passed,

before the expiration of the limitation thereof.

Sec. 2. *And be it further enacted*, That the said judge of the district or person by him commissioned as aforesaid, shall give to each claimant a transcript of the evidence and proceedings had, respecting his claim; and shall also transmit a list of such claims, accompanied by the evidence herein directed, to the secretary of the department of war, in order that the same may be examined, and if correct, agreeably to the intent and meaning of this act, the said applicants are thenceforth to be placed on the pension list of the United States: Provided that in no case a pension shall commence before the first day of January, eighteen hundred and three, except so far as to offset the commutation of half pay received by such officer, in which case the proper officer is to calculate the pension from the first day of January, seventeen hundred and eighty-four.

Copies of the evidence, &c. to be given to the claimants.

Who are to be placed on the pension list.

Proviso.

Sec. 3. *And be it further enacted*, That the pensions allowed by this act shall be estimated in the manner following, that is to say: a full pension to a commissioned officer shall be considered the one half of his monthly pay as by law established, and the proportions less than a full pension shall be the like proportions of half pay. And a full pension to a non commissioned officer, private, soldier or seamen, shall be five dollars per month, and the proportions less than a full pension, shall be the like proportions of five dollars per month, but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Estimation of the pensions.

Pensioners to be paid in the manner of former ones.

Sec. 4. *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.

NATH^L. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803.

APPROVED,

TH : JEFFERSON.

CHAPTER XCI.

AN ACT for the relief of Joshua Harvey, and others.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Joshua Harvey, Augustine Baughan, Isaiah Mankin, Richard Caton, and Frederick Kast, shall not, nor shall either of them be liable to imprisonment for any debt or debts contracted by them to the United States, prior to the

committing of the several acts of bankruptcy, upon which they were respectively declared bankrupts: Provided that nothing herein contained shall be construed in any manner to impair the right of the United States, to satisfaction of any debt due from either of the above named persons, out of any property which they may hereafter respectively acquire, or out of the effects of the said bankrupts, which are now in, or may hereafter come to the hands of the respective assignees, nor to affect any security which may have been given by the said bankrupts: *And provided also*, that in case it shall at any time appear, that either of the said bankrupts has been guilty of any concealment of property, or of any manner of fraud, in violation of the provisions of the act intitled "An act to establish an uniform system of bankruptcy throughout the United States," such person against whom such fraud or concealment shall be so proved, shall forfeit and lose the whole benefit of this act.

NATHL. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY.

President of the Senate pro tempore.

March 3, 1803.

APPROVED,

TH: JEFFERSON.

CHAPTER XCII.

AN ACT Authorising the transfer of the duties of Supervisor to any other officer.

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 authorised to attach the duties of the officer of Supervisor in any district to any other officer of the government of the United States, within such district, who shall give bond for the performance of the duties imposed on him by this act, in the same manner and under the same penalties, as were heretofore provided in the case of supervisors.

Sec. 2. *And be it further enacted,* That for the discharge of the duties of supervisor which may be thus attached to another office, by virtue of this act, there shall be allowed to the officer exercising the same, the commissions to which the supervisor is now entitled, by law, together with such sum for clerk hire, not exceeding the allowance fixed by law for the supervisor, and such salary not exceeding two hundred and fifty dollars per annum, as the President of the United States shall deem a sufficient compensation.

NATHL. MACON,
Speaker of the House of Representatives.

STEPHEN R. BRADLEY,
President of the Senate pro tempore.

March 3, 1803.

APPROVED,

TH: JEFFERSON.

CHAPTER XCIII.

AN ACT In 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 second circuit shall
 consist of the justice of the supreme court
 residing within the third circuit, and the
 district judge of the district where such court
 shall be holden.

In the third circuit, the said circuit court
 shall consist of the senior associate justice
 of the supreme court residing within the
 fifth circuit, and the district judge of the
 district where such court shall be holden.

Sec. 2. *And be it further enacted,* That
 from all final judgements or decrees in any of
 the district courts of the United States, an
 appeal, where the matter indispute, exclusive
 of costs, shall exceed the sum or value of
 fifty dollars, shall be allowed to the circuit
 court next to be holden in the district where
 such final judgment or judgements, decree
 or decrees, may be rendered; and the circuit
 court or courts are hereby authorised and
 required to receive, hear and determine such
 appeal; and that from all final judgements or
 decrees rendered or to be rendered in any
 circuit court, or in any district court acting
 as a circuit court, in any cases of equity, of
 admiralty and maritime jurisdiction, and of
 prize or no prize, an appeal where the mat-
 ter in dispute, exclusive of costs, shall ex-
 ceed the sum or value of two thousand dollars,

shall be allowed to the supreme court of the United States, and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal, except in admiralty and prize causes, and that such appeals shall be subject to the same rule, regulations and restrictions as are prescribed in law in case of writs of error; and that the said supreme court shall be, and hereby is authorised and required to receive, hear and determine such appeals. And that so much of the nineteenth and twenty second sections of the act of Congress, entitled "An act to establish the judicial courts of the United States," passed on the twenty fourth day of September, one thousand seven hundred and eighty-nine, as comes within the purview of this act, shall be and the same is hereby repealed.

NATH^l. MACON,

Speaker of the House of Representatives.

STEPHEN R. BRADLEY,

President of the Senate pro tempore.

March 3, 1803.

APPROVED,

TH: JEFFERSON

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CONVENTION

BETWEEN THE

FRENCH REPUBLIC

AND THE

UNITED STATES

OF

A M E R I C A.

BY THE PRESIDENT
OF THE
UNITED STATES OF AMERICA,
A PROCLAMATION.

WHEREAS a Convention for terminating certain differences which had arisen between the United States of America and the French Republic, was concluded and signed by the Plenipotentiaries of the two nations, duly and respectively authorised for that purpose, and was duly ratified and confirmed by the President of the United States, with the advice and consent of the Senate, which convention so ratified is in the form following :

JOHN ADAMS,

President of the United States of America—To all and singular to whom these presents shall come GREETING—

WHEREAS a certain Convention between the United States of America and the French Republic was concluded and signed between their Plenipotentiaries, the honorable Oliver Ellsworth, William Richardson Davie, and William Vans Murray, Esquires, their envoys extraordinary and ministers plenipotentiary to the French Republic, and the plenipotentiaries of the French Republic, the citizens Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Rœderer, at Paris, on the 30th day of September last past, which convention is word for word, as follows,

to wit :

CONVENTION

ENTRE

LA REPUBLIQUE FRANCAISE

ET

LES ETATS-UNIS D'AMERIQUE.

BONAPARTE, PREMIER CONSUL, AU NOM DU PEUPLE FRANÇAIS, les CONSULS DE LA REPUBLIQUE ayant vu et examiné la Convention conclue, arrêtée et signée à Paris le huit Vendémiaire an neuf de la République Française (Trente Septembre, Mil huit cent) par les Citoyens Joseph Bonaparte, Fleurieu et Roederer, Conseillers d'Etat, en vertu des pleins-pouvoirs qui leur avaient été conférés à cet Effeet, avec Messieurs Ellsworth, Davie et Murray, Ministres Plénipotentiaires des Etats-Unis, également munis de pleins-pouvoirs, de laquelle Convention la teneur suit.

CONVENTION
BETWEEN THE
FRENCH REPUBLIC
AND THE
UNITED STATES OF AMERICA.

THE Premier Consul of the French Republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two States, have respectively appointed their plenipotentiaries, and given them full powers to treat upon those differences, and to terminate the same; that is to say, the Premier Consul of the French Republic, in the name of the people of France, has appointed for the Plenipotentiaries of the said republic, the Citizens Joseph Bonaparte, ex-ambassador at Rome and Counsellor of State; Charles Pierre Claret Fleurieu, member of the National Institute, and of the Board of Longitude, of France, and Counsellor of State, President of the Section of Marine; and Pierre Louis Rœderer, Member of the National Institute of France,

LE PREMIER CONSUL de la République Française au nom du Peuple Français, et le PRÉSIDENT des États-Unis d'Amérique, également animés du désir de mettre fin aux différends qui sont survenus entre les deux États, ont respectivement nommé leurs Plénipotentiaires, et leur ont donné plein-pouvoir pour négocier sur ces différends et les terminer ; c'est à dire, le PREMIER CONSUL de la République Française, au nom du Peuple Français, a nommé pour plénipotentiaires de la dite République, les Citoyens *Joseph Bonaparte*, ex-ambassadeur de la République Française à Rome et Conseiller d'État, *Charles Pierre Claret Fleurieu*, Membre de l'Institut National et du Bureau des Longitudes de France, et Conseiller d'État, Président de la Section de la Marine, et *Pierre Louis Roederer*, membre de l'Institut National de France, et Con-

and Counsellor of State, President of the Section of the Interior; and the President of the United States of America, by and with the advice and consent of the Senate of the said states, has appointed for their Plenipotentiaries, Oliver Ellsworth, Chief Justice of the United States, William Richardson Davie, late Governor of the State of North Carolina, and William Vans Murray, Minister resident of the United States at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles.

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French Republic and the United States of America; and between their respective countries, territories, cities, towns and people, without exception of persons or places.

ART. II. The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.

seiller d'Etat, Président de la Section de l'Intérieur; et le **PRESIDENT** des Etats-Unis, d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, a nommé pour leurs Plénipotentiaires, *Olivier Ellsworth*, Chef de la Justice des Etats-Unis; *William Richardson Davie*, ci-devant Gouverneur de l'Etat de la Caroline septentrionale, et *William Vans Murray*, Ministre résident des Etats-Unis à la Haye.

Lesquels, après avoir fait l'échange de leurs pleins-pouvoirs longuement et mûrement discuté les Intérêts respectifs, sont convenus des articles suivans.

ARTICLE I. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère, entre la République Française et les Etats-Unis d'Amérique, ainsi qu'entre leurs pays, territoires, villes et places, et entre leurs citoyens et habitants, sans exception de personnes ni de lieux.

ART. II. Les Ministres Plénipotentiaires des deux parties ne pouvant pour le présent s'accorder relativement au Traité d'Alliance du 6 Février 1778, au Traité d'Amitié et de commerce de la même date, et à la Convention en date du 14 Novembre 1788, non plus que relativement aux indemnités mutuellement dues ou réclamées, les parties négocieront ultérieurement sur ces objets, dans un tems convenable: et jusqu'à ce qu'elles se soient accordées sur ces points, les dits Traités et convention n'aurent point d'Effet, et les relations des deux Nations seront réglées ainsi qu'il suit.

ART. III. The public ships, which have been taken on one part and the other; or which may be taken before the exchange of ratifications, shall be restored.

ART. IV. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications (contraband goods destined to an enemy's port excepted) shall be mutually restored on the following proofs of ownership: viz. The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

“ To all who shall see these presents,

GREETING :

“ It is hereby made known that leave and permission has been given to master and commander of the ship called of the town of

burthen tons, or thereabouts, lying at present in the port and haven of and bound for and

laden with after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of the act whereof

shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board

ART. III. Les Bâtimens d'États qui ont été pris de part et d'autre, ou qui pourraient être pris avant l'échange des ratifications seront rendus.

ART. IV. Les propriétés capturées et non encore condamnées définitivement, ou qui pourront être capturées avant l'échange des ratifications, excepté les marchandises de contrabande destinées pour un port ennemi, seront rendues mutuellement sur les preuves suivantes de propriété ; *Savoir* :

De part et d'autre, les preuves de propriété relativement aux navires marchands, armés ou non armés, seront un passeport de la forme suivante :

“ *A tous ceux* qui les présentes verront, soit notoire que faculté et permission a été accordée à _____ maître ou commandant du navire, appelé _____ de la ville de _____ de la capacité de _____ tonneaux ou environ, se trouvant présentement dans le port et hâvre de _____ et destiné pour _____ chargé de _____ qu'après que son navire a été visité et avant son départ, il prêtera serment entre les mains des officiers autorisés à cet effet ; que le dit navire appartient à un ou plusieurs sujets de _____

dont l'acte sera mis à la fin des présentes ; de même qu'il gardera et fera garder par son équipage, les ordonnances et réglemens maritimes, et remettra une liste signée et confirmée par témoins, contenant les noms et surnoms, les lieux de naissance, et la Demeure des Personnes composant l'équipage de son navire, et de

her ; whom he shall not take on board without the knowledge and permission of the officers of the marine, and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage ; and he shall carry the colours, arms and ensigns of the [French republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by _____ at
the _____ day of
anno Domini ”

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding : which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year.—Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates ; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both shall have been destroyed by accident, or taken away by force, their deficiency may be supplied by such

tous ceux qui s'y embarqueront, lesquels il ne recevra pas à bord sans la connaissance et permission des officiers autorisés à ce ; et dans chaque port ou hâvre où il entrera avec son navire, il montrera la présente permission aux officiers à ce autorisés, et leur fera un rapport fidèle de ce qui s'est passé durant son voyage ; et il portera les couleurs, armes et enseignes (de la République Française ou des États-Unis) durant son dit voyage. En témoin de quoi nous avons signé les présentes, les avons fait contresigner par _____ et y avons fait apposer le sceau de nos armes.

Donné à

le _____ de _____ l'an
de grace, le _____ "

Et ce passeport suffira sans autre pièce, non obstant tout règlement contraire. Il ne sera pas exigé que ce passeport ait été renouvelé ou révoqué, quelque nombre de voyages que le dit navire ait pu faire, à moins qu'il ne soit revenu chez lui dans l'espace d'une année.

Par rapport à la cargaison, les preuves seront des certificats contenant le détail de la cargaison, du lieu d'où le Bâtiment est parti et de celui où il va, de manière que les marchandises défendues et de contrebande puissent être distinguées par les certificats, lesquels certificats auront été faits par les officiers de l'endroit d'où le navire sera parti, dans la forme usitée dans le pays ; et si ces passeports ou certificats, ou les uns et les autres ont été détruits par accident, ou enlevés de force, leur Défaut

other proofs of ownership, as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained; the property so condemned shall without delay be restored or paid for.

ART. V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

ART. VI. Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favoured; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favored nation.

ART. VII. The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or other-

pourra être supplée par toutes les autres preuves de propriété admissibles d'après l'usage général des Nations.

Pour les Bâtimens autres que les navires marchands, les preuves seront la Commission dont il sont porteurs. Cet article aura son effet à dater de la signature de la présente convention ; et si à dater de la dite signature, des propriétés sont condamnées contrairement à l'esprit de la dite convention, avant qu'on ait connaissance de cette stipulation la propriété ainsi condamnée sera, sans délai, rendue ou payée.

ART. V. Les Dettes contractées par l'une des deux nations envers les particuliers de l'autre, ou par des particuliers de l'une envers des particuliers de l'autre, seront acquittées ou le paiement en sera poursuivi comme s'il n'y avait eu aucune mésintelligence entre les deux Etats ; mais cette clause ne s'étendra point aux indemnités réclamées pour des captures ou pour des condamnations.

ART. VI. Le commerce entre les deux Parties sera libre : les vaisseaux des deux nations et leurs corsaires, ainsi que leurs prises, seront traités dans les ports respectifs comme ceux de la nation la plus favorisée, et, en general, les deux parties jouiront dans les ports l'une de l'autre, par rapport au commerce et à la navigation, des privilèges de la nation la plus favorisée.

ART. VII. Les Citoyens et Habitans des Etats-Unis pourront disposer par testament, donation ou autrement, de leurs

wise, of their goods, moveable and immoveable, holden in the territory of the French Republic in Europe, and the citizens of the French Republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries, who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from every duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either state may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two states should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

ART. VIII. To favor commerce on both sides, it is agreed, that, in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed

biens, meubles et immeubles possédés dans le territoire Européen de la République Française ; et les citoyens de la République Française auront la même faculté à l'égard des biens, meubles et immeubles possédés dans le Territoire des Etats-Unis, en faveur de telle personne que bon leur semblera. Les citoyens et habitans d'un des deux Etats, qui seront héritiers des Biens, meubles ou immeubles situés dans l'autre, pourront succéder *ab intestat*, sans qu'ils aient besoin de lettres de naturalité, et sans que l'effet de cette stipulation, leur puisse être contesté ou empêché, sous quelque prétexte que ce soit ; et seront les dits héritiers, soit à titre particulier, soit *ab intestat*, exempts de tout droit quelconque chez les deux nations. Il est convenu que cet article ne dérogera en aucune manière aux lois qui sont à présent en vigueur chez les deux nations ou qui pourraient être promulguées à la suite contre l'emigration, et aussi que dans le cas où les lois de l'un des deux Etats limiteraient pour les étrangers l'exercice des droits de la propriété sur les immeubles on pourrait vendre ces immeubles ou en disposer autrement en faveur d'habitans ou de citoyens du pays où ils seraient situés, et il sera libre à l'autre nation d'établir de semblables lois.

ART. VIII. Pour favoriser de part et d'autre le commerce, il est convenu que si, ce qu'à Dieu ne plaise, le guerre éclatait entre les deux nations, on allouera, de part et d'autre, aux marchands et autres citoyens

may except such place, as may be thought proper, from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent ; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favored nations.

ART. XI. The citizens of the French Republic shall pay in the ports, havens, roads, countries, islands, cities and towns of the United States, no other, or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are, or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy in the territories of the French Republic in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns trade, navigation and commerce.

ART. XII. It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and

place qu'elle jugera à propos, des lieux où la résidence de ces agens pourra être fixée. Avant qu'aucun agent puisse exercer ses fonctions, il devra être accepté, dans les formes reçues, par la partie chez laquelle il est envoyé ; et quand il aura été accepté et pourvu de son *Exequatur*, il jouira des droits et prérogatives dont jouiront les Agens semblables des nations le plus favorisées.

ART. XI. Les citoyens de la République Française ne payeront dans les ports, hâvres, rades, contrées, isles, cités et lieux des Etats-Unis, d'autres ni de plus grands droits, impôts de quelque nature qu'ils puissent être, quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer ; et ils jouiront de tous les droits, libertés, privilèges, immunités, et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits Etats à un autre, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront. Et réciproquement, les citoyens des Etats-Unis jouiront, dans le Territoire de la République Française en Europe, des mêmes privilèges, immunités, tant pour leurs biens et leurs personnes, que pour ce qui concerne le négoce, la navigation et le commerce.

ART. XII. Les citoyens des deux nations pourront conduire leurs vaisseaux et marchandises (*en exceptant toujours la contrebande*) de tout port quelconque, dans un autre port appartenant à l'ennemi de

to sail and trade with their ships and merchandize, with perfect security and liberty, from the countries, ports and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under the several; unless such ports or places shall be actually blockaded, besieged or invested.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel, so circumstanced, may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

l'autre nation ; ils pourront naviguer et commercer en toute liberté et sécurité, avec leurs navires et marchandises, dans les pays, ports et places des ennemis des deux parties ou de l'une ou de l'autre partie, sans obstacles et sans entraves, et non seulement passer directement des places et ports de l'ennemi sus mentionnés, dans les ports et places neutres, mais encore de toute place appartenant à un ennemi dans toute autre place appartenant à un ennemi, qu'elle soit ou ne soit pas soumise à la même juridiction, à moins que ces places ou ports ne soient réellement bloqués, assiégés ou investis.

Et dans le cas, comme il arrive souvent, où les vaisseaux feraient voile pour une place ou port appartenant à un ennemi, ignorant qu'ils sont bloqués, assiégés ou investis, il est convenu que tout navire qui se trouvera dans une pareille circonstance, sera détourné de cette place ou port, sans qu'on puisse le retenir ni confisquer aucune partie de sa cargaison (*à moins qu'elle ne soit de contrebande, ou qu'il ne soit prouvé que le dit navire, après avoir été averti du blocus ou investissement, a voulu rentrer dans ce même port*) ; mais il lui sera permis d'aller dans tout autre port ou place qu'il jugera convenable. Aucun navire de l'une ou de l'autre nation, entré dans un port ou place avant qu'ils aient été réellement bloqués, assiégés ou investis par l'autre, ne pourra être empêché de sortir avec sa cargaison : s'il s'y trouve, lorsque la dite place sera rendue, le navire et sa cargaison ne pourront être confisqués, mais seront remis aux propriétaires.

ART. XIII. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, gun-powder, salpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same, or a different owner.

ART. XIV. It is hereby stipulated that free ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they

ART. XIII. Pour régler ce qu'on entendra par contrebande de guerre, seront compris sous cette dénomination la poudre, le salpêtre, les pétards, mèches, balles, boulets, bombes, grenades, carcasses, piques, hallebardes, épées, ceinturons, pistolets, fourreaux, selles de cavalerie, harnais, canons, mortiers avec leurs affûts, et généralement toutes armes et munitions de guerre et ustensiles, à l'usage des troupes. Tous les articles ci-dessus, toutes les fois qu'ils seront destinés pour le port d'un ennemi, sont déclarés de contrebande et justement soumis à la confiscation. Mais le bâtiment sur lequel ils étaient chargés, ainsi que le reste de la cargaison, seront regardés comme libres, et ne pourront en aucune manière être viciés par les marchandises de contrebande, soit qu'ils appartiennent à un même ou à différens propriétaires.

ART. XIV. Il est stipulé par le présent traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront à bord des navires appartenant aux citoyens d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendrait aux ennemis de l'une des deux ; bien entendu néanmoins que la contrebande sera toujours excepté. Il est également convenu que cette même liberté s'étendra aux personnes qui pourraient se trouver à bord du bâtiment libre, quand même elles seraient ennemies de l'une de deux parties contractantes, et elles ne pourront être enlevées des dits navires

are soldiers and in actual service of the enemy.

ART. XV. On the contrary, it is agreed, that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy, before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ART. XVI. The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound

libres, à moins qu'elles ne soyent militaires et actuellement au service de l'ennemi.

ART. XV. On est convenu, au contraire que tout ce qui se trouvera chargé par les citoyens respectifs, sur des navires appartenant aux ennemis de l'autre partie ou à leurs sujets, sera confisqué, sans distinctions des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartaient à l'ennemi, à l'exception toutefois des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si, au moment du chargement, on a pu l'ignorer; de manière que les marchandises des citoyens des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, lesquelles, comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant à l'ennemi avant la guerre, ou même après la dite déclaration lorsqu'on l'ignorait, ne seront, en aucune manière, sujettes à confiscation, mais seront fidèlement et de bonne foi rendues, sans délai, à leurs propriétaires qui les réclameront; bien entendu néanmoins qu'il ne soit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois passé depuis la déclaration de guerre, leurs citoyens respectifs, de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ART. XVI. Les navires marchands appartenant à des citoyens de l'une ou d'autre

to a port of the enemy of one of the parties, and concerning whose voyage, and the articles of their cargo, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, shewing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

ART. XVII. And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed, that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year, that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the

des deux parties contractantes, lorsqu'ils voudront passer dans le port de l'ennemi de l'une des deux parties, et que leur voyage ainsi que les effets de leur cargaison pourront donner de justes soupçons, les dits navires seront obligés d'exhiber en pleine mer, comme dans les ports ou rades, non seulement leurs passeports, mais encore leurs certificats prouvant que ces effets ne sont point de la même espèce que ceux de contrebande spécifiés dans l'article treize de la présente convention.

ART. XVII. Et afin d'éviter des captures sur des soupçons frivoles, et de prévenir les dommages qui en résultent, il est convenu que, quand une des deux parties sera en guerre et l'autre neutre, les navires de la partie neutre seront pourvus de passeports semblables à ceux spécifiés dans l'article quatre, de manière qu'il puisse par là apparaître que les navires appartiennent véritablement à la partie neutre. Ces passeports seront valides pour un nombre quelconque de voyages ; mais il seront renouvelés chaque année, si le navire retourne chez lui dans l'espace d'une année. Si ces navires sont chargés, ils seront pourvus non seulement des passeports sus mentionnés mais aussi de certificats semblables à ceux mentionnés au même article, de manière que l'on puisse connaître s'il y a à bord des marchandises de contrebande. Il ne sera exigé aucune autre pièce, non obstant tous usages et réglemens contraires ; et s'il n'apparaît pas par ces certificats qu'il y ait des marchandises de contrebande à bord, les navires seront laissés à leur destination.

certificates, that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port, for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

ART. XVIII. If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts, or on the high seas, by any ship of war or privateer of the other; for the avoiding of any disorder, the said ships of war or privateers shall remain out of cannon shot, and may send their boats on board the merchant ship

Si, au contraire, il apparaît, par ces certificats, que les dits navires ayent des marchandises de contrebande à bord, et que le commandant offre de les délivrer, l'offre sera acceptée, et le navire sera remis en liberté de poursuivre son voyage ; à moins que la quantité de marchandises de contrebande ne soit trop grande pour pouvoir être prise convenablement à bord du vaisseau de guerre ou corsaire ; dans ce cas le navire pourra être amené dans le port pour y délivrer la dite marchandise.

Si un navire est trouvé sans avoir le passeport ou les certificats ci-dessus exigés, l'affaire sera examinée par les juges ou tribunaux compétens ; et s'il conste par d'autres documens ou preuves admissibles par l'usage des nations, que le navire appartient à des citoyens de la partie neutre, il ne sera pas condamné, et il sera remis en liberté avec son chargement, la contrebande exceptée, et aura la liberté de poursuivre sa route.

Si le capitaine nommé dans le passeport du navire venait à mourir, ou à être ôté par toute autre cause, et qu'un autre fut nommé à sa place, le navire et sa cargaison n'en seront pas moins en sûreté, et le passeport demeurera dans toute sa force.

ART. XVIII. Si les bâtimens des citoyens de l'une ou l'autre nation sont rencontrés le long des côtes, ou en pleine mer, par quelques vaisseaux de guerre ou corsaires de l'autre ; pour prévenir tout désordre, les dits vaisseaux ou corsaires se tiendront hors de la portée du canon et enverront leur canot à bord du navire marchand qu'ils

which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

ART. XIX. It is expressly agreed by the contracting parties, that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them: but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient: the two parties reciprocally engaging not to admit under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

ART. XX. In all cases where vessels shall be captured, or detained under pre-

auront rencontré : ils n'y pourront entrer qu'au nombre de deux ou trois hommes, et demander au patron ou capitaine du dit navire, exhibition du passeport concernant la propriété du dit navire, fait d'après la formule prescrite dans l'article quatre, ainsi que les certificats sus mentionnés relatifs à la cargaison. Il est expressément convenu que le neutre ne pourra être contraint d'aller à bord du vaisseau visitant pour y faire l'exhibition demandée des papiers ou pour toute autre information quelconque.

ART. XIX. Il est expressément convenu par les parties contractantes, que les stipulations ci-dessus, relatives à la conduite qui sera tenue à la mer par les croiseurs de la partie belligérante, envers les bâtimens de la partie neutre, ne s'appliqueront qu'aux bâtimens naviguant sans convoi : et dans le cas où les dits bâtimens seraient convoyés, l'intention des parties étant d'observer tous les égards dus à la protection du pavillon arboré sur les vaisseaux publics, on ne pourra point en faire la visite. Mais la déclaration verbale du commandant de l'escorte, que les navires de son convoi appartiennent à la nation dont ils portent le pavillon, et qu'ils n'ont aucune contrabande à bord, sera regardée par les croiseurs respectifs comme pleinement suffisante ; les deux parties s'engageant réciproquement à ne point admettre sous la protection de leur convoi, des bâtimens qui porteraient des marchandises prohibées à une destination ennemie.

ART. XX. Dans le cas où les bâtimens seront pris ou arrêtés, sous prétexte de por-

tence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers : and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels, found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods. Nor shall it be lawful to sell, exchange or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

ART. XXI. And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or any thing relative thereto. And in all cases where a vessel of the citizens of either party shall be captured, or seized, and held for adjudication, her officers, passengers and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, super-

ter à l'ennemi quelque article de contrebande, le capteur donnera un reçu des papiers du bâtiment qu'il retiendra, lequel reçu sera joint à une liste énonciative des dits papiers : il ne sera point permis de forcer ni d'ouvrir les écoutilles, coffres, caisses, caissons, balles, ou vases trouvés à bord du dit navire, ni d'enlever la moindre chose des effets, avant que la cargaison ait été débarquée en présence des officiers compétens, qui feront un inventaire des dits effets ; ils ne pourront, en aucune manière être vendus, échangés ou aliénés, à moins qu'après une procédure légale, le juge ou les juges compétens n'aient porté contre les dits effets sentence de confiscation (*en exceptant toujours le navire et les autres objets qu'il contient.*)

ART. XXI. Pour que le bâtiment et la cargaison soient surveillés avec soin, et pour empêcher les dégâts, il est arrêté que le patron, capitaine ou subrecargue du navire *capturé*, ne pourront être éloignés du bord, soit pendant que le navire sera en mer, après avoir été pris, soit pendant les procédures qui pourront avoir lieu contre lui, sa cargaison ou quelque chose y relative.

Dans le cas où le navire appartenant à des citoyens de l'une ou de l'autre partie serait pris, saisi et retenu pour être jugé, ses officiers, passagers et équipage seront traités avec humanité ; ils ne pourront être emprisonnés, ni dépouillés de leurs vêtemens, ni de l'argent à leur usage, qui ne pourra excéder, pour le capitaine, le subrecargue,

cargo and mate five hundred dollars each, and for the sailors and passengers, one hundred dollars each.

ART. XXII. It is further agreed, that in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall if demanded be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

ART. XXIII. And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions,

et le second, cinq cents dollars chacun : et pour les matelots et passagers, cent dollars chacun.

ART. XXII. Il est de plus convenu que dans tous les cas, les tribunaux établis pour les causes de prises dans les pays où les prises seront conduites, pourront seuls en prendre connaissance ; et quelques jugement que le tribunal de l'une ou de l'autre partie prononce contre quelques navires ou marchandises ou propriétés réclamées par des citoyens de l'autre partie, la sentence ou décret fera mention des raisons ou motifs qui ont déterminé ce jugement, dont copie authentique, ainsi que de toute la procédure y relative, sera, à leur réquisition, délivrée, sans délai, au capitaine ou agent du dit navire, moyennant le payement des frais.

ART. XXIII. Et afin de pourvoir plus efficacement à la sûreté respective des citoyens des deux parties contractantes, et prévenir les torts qu'ils auraient à craindre des vaisseaux de guerre ou corsaires, de l'une ou l'autre partie, tous commandans des vaisseaux de guerre et de corsaires, et tous autres citoyens de l'une des deux parties, s'abstiendront de tout dommage envers les citoyens de l'autre et de toute insulte envers leurs personnes. S'ils faisaient le contraire, ils seront punis, et tenus à donner, dans leurs personnes et propriétés, satisfaction et réparation pour les dommages, avec intérêt, de quelque espèce que soient les dits dommages.

A cet effet, tous capitaines de corsaires, avant de recevoir leurs commissions, s'ob-

shall hereafter be obliged to give before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars or seventy three thousand six hundred and forty francs, to satisfy all damages and injuries, which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commission shall be revoked and annulled.

ART. XXIV. When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist

ligeront, devant un juge compétent, à donner une garantie au moins par deux cautions responsables, lesquelles n'auront aucun intérêt sur le dit corsaire, et dont chacune, ainsi que le capitaine, s'engagera particulièrement et solidairement pour la somme de sept mille dollars ou trente six mille huit cent vingt francs ; et si les dits vaisseaux portent plus de cent cinquante Matelots ou Soldats, pour la somme de quatorze mille dollars ou soixante treize mille six cent quarante francs, qui serviront à réparer les torts ou dommages que les dits corsaires, leurs officiers, équipages ou quelqu'un d'eux auraient fait ou commis pendant leur croisière, de contraire aux dispositions de la présente convention, ou aux lois et instructions qui devront être la règle de leur conduite : en outre, les dites commissions seront révoquées et annullées dans tous les cas où il y aura en agression.

ART. XXIV. Lorsque les vaisseaux de guerre des deux parties contractantes, ou ceux que leurs citoyens auraient armés en guerre, seront admis à relâcher, avec leurs prises, dans les ports de l'une des deux parties, les dits vaisseaux publics ou particuliers, de même que leurs prises, ne seront obligés à payer aucun droit, soit aux officiers du lieu, soit aux juges ou à tous autres ; les dites prises entrant dans les havres ou ports de l'une des deux parties, ne pourront être arrêtées ou saisies, et les officiers des lieux ne pourront prendre connaissance de la validité des dites prises, lesquelles pourront sortir et être conduites en

sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

ART. XXV. It shall not be lawful for any foreign privateers who have commissions from any prince or state in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that prince or state, from which they have received their commissions.

ART. XXVI. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or their factors or agents duly authorized by them; (proper evidence being first given before competent judges for proving the property) even in case such effects should

toute franchise et liberté aux lieux portés par les commissions dont les capitaines des dits vaisseaux seront obligés de faire apparoir. Il est toujours entendu que les stipulations de cet article ne s'étendront pas au delà des privilèges des nations les plus favorisées.

ART. XXV. Tous corsaires étrangers ayant des commissions d'un Etat ou Prince en guerre avec l'une ou l'autre nation, ne pourront armer leurs vaisseaux dans les ports de l'une ou l'autre nation, non plus qu'y vendre leurs prises, ni les échanger en aucune manière : il ne leur sera permis d'acheter des provisions que la quantité nécessaire pour gagner le port le plus voisin de l'Etat ou Prince duquel ils ont reçu leurs commissions.

ART. XXVI. Il est de plus convenu qu'aucune des deux parties contractantes non seulement ne recevra point de pirates dans ses ports, rades ou villes, et ne permettra pas qu'aucun de ses habitans les reçoive, protège, accueille ou recèle en aucune manière, mais encore livrera à un juste châtiment ceux de ces habitans qui seraient coupables de pareils faits ou délits. Les vaisseaux de ces pirates, ainsi que les effets et marchandises par eux pris et amenés dans les ports de l'une ou l'autre nation, seront saisis par tout où ils seront découverts et restitués à leurs propriétaires, agens ou facteurs dûment autorisés par eux, après toutefois qu'ils auront prouvé devant les juges compétens le droit de propriété.

Que si les dits effets avaient passé, par vente, en d'autres mains, et que les acqué-

have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

ART. XXVII. Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the Gulph of St. Lawrence, or elsewhere, on the American coast, northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring nevertheless that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris the eighth day of Vendémiaire of the ninth year of the French Republic, the thirtieth day of September, Anno Domini eighteen hundred.

(Signed,) (L. S.) J. BONAPARTE.
 (L. S.) C. P. FLEURIEU.
 (L. S.) ROEDERER.
 (L. S.) O. ELLSWORTH.
 (L. S.) W. R. DAVIE.
 (L. S.) W. V. MURRAY.

reurs fussent ou pussent être instruits ou soupçonnaient que les dits effets avaient été enlevés par des pirates, ils seront également restitués.

ART. XXVII. Aucune des deux nations ne viendra participer aux pêcheries de l'autre sur ses côtes, ni la troubler dans l'exercice des droits qu'elle a maintenant ou pourrait acquérir sur les côtes de Terre neuve, dans le golfe de St. Laurent, ou par tout ailleurs, sur les côtes d'Amérique au nord des Etats-Unis ; mais la pêche de la baleine et du veau marin sera libre pour les deux nations dans toutes les parties du monde. Cette convention sera ratifiée de part et d'autre en bonne et due forme et les ratifications seront échangées dans l'espace de six mois, ou plutôt, s'il est possible.

En foi de quoi les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française, qu'en langue anglaise, et ils y ont apposé leurs sceau, déclarant néanmoins que la signature en deux langues ne sera point citée comme exemple, et ne préjudiciera à aucune des deux parties.

Fait à Paris, le huitième Jour de Vendémiaire de l'an neuf de la République Française et le trentième Jour de Septembre mil huit cent.

(*Signé :*)

J. BONAPARTE.
C. P. FLEURIEU.
ROEDERER.
O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

AND WHEREAS, the Senate of the United States did by their resolution, on the 3d day of this present month of February, two thirds of the Senators then present concurring, consent to and advise the ratification of the said convention: Provided the second article be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

NOW THEREFORE, I, John Adams, President of the United States of America, having seen and considered the Convention and additional article above recited, do, in pursuance of the aforesaid advice and consent of the Senate of the said United States, by these presents accept, ratify and confirm the said Convention and additional article and every clause and article thereof, as the same are herein before set forth, saving and excepting the second article of the said Convention, which I hereby declare to be expunged and of no force or validity: and I do moreover hereby declare, that the said Convention, saving the second article as aforesaid, and the said additional article form together one instrument, and are a Convention between the United States of America, and the French Republic, made by the President of the United States, by and with the advice and consent of the Senate thereof.

APPROUVE la convention ci-dessus en tous et chacun des articles qui y sont contenus ; déclare qu'elle est acceptée, ratifiée et confirmée et promet qu'elle sera inviolablement observée.

Le gouvernement des États-Unis ayant ajouté dans sa ratification que la convention sera en vigueur l'espace de huit années, et ayant omis l'article second, le gouvernement de la République Française consent à accepter, ratifier et confirmer la convention ci-dessus, avec l'addition portant que la convention sera en vigueur pendant l'espace de huit années, et avec le retranchement de l'article second : bien entendu que par ce retranchement les deux États renoncent aux prétentions respectives qui sont l'objet du dit article.

En foi de quoi sont données les présentes, signées, contre-signées, et scellées du grand sceau de la République.

A PARIS le douze Thermidor an neuf de la République (trente un Juillet, mil huit cent un.)

BONAPARTE.

Le Ministre des Relations Extérieures,
CH. MAU. TALLEYRAND.

Par le Premier Consul :

Le Secrétaire d'Etat
HUGUES B. MARET.

La présente convention a été échangée par les ministres sous-signés, munis de

IN TESTIMONY whereof, I have caused
(L.S) *the seal of the United States of America to be hereto affixed.*

GIVEN under my hand at the City of Washington, this 18th day of February in the year of our Lord one thousand eight hundred and one, and of the Independence of the said States the twenty-fifth.

(Signed)

JOHN ADAMS.

By the President,

JOHN MARSHALL,
Acting as Secretary of State.

And whereas the said Convention was on the other part ratified and confirmed by the First Consul of France in the form of which the following is a translation from the French language, to wit :

*Bonaparte, First Consul, in the name of the French People—The consuls of the Republic, having seen and examined the Convention concluded, agreed to, and signed at Paris, the 8th Vendemiaire, 9th year of the French Republic, (30th September 1800) by the citizens Joseph Bonaparte, Fleurieu and Roederer, counsellors of state, in virtue of the full powers which have been given to them to this effect, with Messieurs Ellsworth, Davie, and Murray, ministers plenipotentiary of the United States, equally furnished with full powers, the tenor of which Convention follows :**

* NOTE—This Treaty having been executed both in English and French, the French text, as taken from the ratification by the French government, has, for the sake of convenience, been placed opposite to the English text.

pleins pouvoirs à cet effet, à Paris ce douze
Thermidor an neuf (trente et un Juillet,
mille huit cent un.)

W. V. MURRAY.

JOSEPH BONAPARTE.

C. P. CLARET FLEURIEU.

P. L. ROEDERER.

Approves the above Convention in all and each of the articles which are therein contained; declares that it is accepted, ratified and confirmed, and promises that it shall be inviolably observed.

The government of the United States having added in its ratification, that the Convention should be in force for the space of eight years, and having omitted the second article, the government of the French Republic consents to accept, ratify and confirm the above convention, with the addition importing that the Convention shall be in force for the space of eight years, and with the retrenchment of the second article: Provided that by this retrenchment the two States renounce the respective pretensions, which are the object of the said article.

IN FAITH whereof these presents are given. Signed, countersigned and sealed with the great seal of the Republic, at Paris the twelfth Thermidor, ninth year of the Republic (31st July 1801.)

(Signed)

BONAPARTE.

The Minister of Exterior Relations,

(Signed)

CH. MAU. TALLEYRAND.

By the First Consul,

The Secretary of State,

(Signed)

HUGUES B. MARET.

WHICH ratifications were duly exchanged at Paris on the 31st day of July in the present year, and having been so exchanged.

ed were again submitted to the Senate of the United States, who on the 19th day of the present month resolved that they considered the said Convention as fully ratified, and returned the same to the President for the usual promulgation. NOW THEREFORE to the end that the said Convention may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said Convention and every clause and article thereof.

IN TESTIMONY whereof I have caused the seal of the United States to be
(L.S.) *affixed to these presents, and signed the same with my hand.*

Done at the City of Washington, the twenty-first day of December in the year of our Lord, one thousand eight hundred and one, and of the sovereignty and independence of the United States the twenty-sixth.

TH: JEFFERSON.

By the President,

JAMES MADISON.

Secretary of State.

CONVENTION
BETWEEN
THE UNITED STATES
AND
GREAT BRITAIN.

DIFFICULTIES having arisen in the execution of the sixth article of the treaty of amity, commerce and navigation, concluded at London on the fourth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, and in consequence thereof the proceedings of the commissioners under the seventh article of the same treaty, having been suspended; the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same; that is to say, his Britannic majesty has named for his plenipotentiary, the right honorable Robert Banks Jenkinson, commonly called Lord Hawkesbury, one of his majes-

ty's most honorable Privy Council, and his principal Secretary of State for foreign affairs: and the President of the United States, by and with the advice and consent of the Senate thereof, has named, for their plenipotentiary Rufus King Esquire, minister plenipotentiary of the said United States to his Britannic majesty, who have agreed to and concluded the following Articles :

ARTICLE I. In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said seventh article, the United States of America hereby engage to pay, and his Britannic majesty consents to accept for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the times and place, and in the manner following, that is to say: the said sum of six hundred thousand pounds sterling, shall be paid at the city of Washington, in three annual instalments of two hundred thousand pounds sterling each, and to such person or persons, as shall be authorised by his Britannic majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years, next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said pay

ments shall be made in the money of the said United States; reckoning four dollars and forty-four cents to be equal to one pound sterling.

ART. II. Whereas it is agreed by the fourth Article of the definitive treaty of Peace, concluded at Paris on the third day of September one thousand seven hundred and eighty-three between his Britannic majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts theretofore contracted; it is hereby declared, that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed and declared to be binding and obligatory on his Britannic Majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in Sterling money of their bona fide debts.

ART. III. It is furthermore agreed and concluded that the commissioners appointed in pursuance of the seventh article of the said treaty of amity commerce and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, reassemble and proceed in the execution of their duties according to the provisions of the said seventh article; except only that instead of the sums awarded by the said commissioners being made payable at the time or times by them appointed, all sums of money by them award-

ed to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof, to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years next, after the exchange of the ratifications of this convention.

ART. IV. This convention, when the same shall have been ratified by his majesty, and by the President of the United States, by and with the advice and consent of the senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon his majesty and the said United States.

In faith whereof, We the undersigned plenipotentiaries of his Britannic majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our arms to be affixed thereto.

Done at London, the eighth day of January one thousand eight hundred and two.

HAWKBURY, (L. S.)
RUFUS KING, (L. S.)

Note. The ratifications were exchanged on the fifteenth day of July one thousand eight hundred and two.

BY THE PRESIDENT
OF THE
UNITED STATES OF AMERICA,
A PROCLAMATION.

WHEREAS a Treaty between the United States of America and the Chickasaw nation of Indians, was concluded and signed by the commissioners of both nations fully and respectively authorised for that purpose, on the twenty-fourth day of Oct. 1801, and was duly ratified and confirmed by the President of the United States, with the advice and consent of the Senate, on the first day of May ensuing, which Treaty is in the words following, to wit:—

A TREATY,

Of reciprocal advantages and mutual convenience between the United States of America and the Chickasaws.

THE President of the United States of America, by James Wilkinson brigadier general in the service of the United States, Benjamin Hawkins of North Caro-

lina, and Andrew Pickens of South Carolina, commissioners of the United States, who are vested with full powers, and the Mingco, principal men and warriors of the Chickasaw nation, representing the said nation, have agreed to the following articles.

ART. I. The Mingco, principal men and warriors of the Chickasaw nation of Indians, give leave and permission to the President of the United States of America, to lay out, open and make a convenient waggon road through their land between the settlements of Mero District in the state of Tennessee, and those of Natchez in the Mississippi Territory, in such way and manner as he may deem proper; and the same shall be a high way for the citizens of the United States, and the Chickasaws. The Chickasaws shall appoint two discreet men to serve as assistants, guides or pilots, during the time of laying out and opening the road, under the direction of the officer charged with that duty, who shall have a reasonable compensation for their service: Provided always, that the necessary ferries over the water courses crossed by the said road shall be held and deemed to be the property of the Chickasaw nation.

ART. II. The commissioners of the United States give to the Mingco of the Chickasaws, and the deputation of that nation, goods to the value of seven hundred dollars, to compensate him and them and their attendants for the expense and inconvenience they may have sustained by their respectful and friendly attention to the President of the United States of America, and to the request made to them in his name to permit the opening of the

road. And as the persons, towns, villages, lands, hunting grounds, and other rights and property of the Chickasaws, as set forth in the treaties or stipulations heretofore entered into between the contracting parties, more especially in and by a certificate of the President of the United States of America, under their seal of the first of July 1794 are in the peace and under the protection of the United States, the commissioners of the United States do hereby further agree, that the President of the United States of America, shall take such measures from time to time, as he may deem proper, to assist the Chickasaws to preserve entire all their rights against the encroachments of unjust neighbours, of which he shall be the judge, and also to preserve and perpetuate friendship and brotherhood between the white people and the Chickasaws.

ART. III. The commissioners of the United States may, if they deem it advisable, proceed immediately to carry the first article into operation; and the treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the President of the United States of America, by and with the advice and consent of the Senate of the United States.

IN TESTIMONY whereof we, the plenipotentiaries, have hereunto subscribed our names and affixed our seals at Chickasaw Bluffs, the twenty-fourth of October, 1801.

JAMES WILKINSON, (L. S.)

BENJAMIN HAWKINS, (L. S.)

ANDREW PICKENS, (L. S.)

Chinmimbe ✕ Mingo, (L. S.)
Immutauhaw, ✕ (L. S.)
Chumaube, ✕ (L. S.)
George ✕ Colbert, (L. S.)
William ✕ M'Gilvray, (L. S.)
Opiehoamuh, ✕ (L. S.)
Olohlohopoie, ✕ (L. S.)
Minkemattauhau, ✕ (L. S.)
Tuskkcopoie, ✕ (L. S.)
William Glover, (L. S.)
Thomas Brown, (L. S.)
William Colbert, W. C. (L. S.)
Mooklushopoie, ✕ (L. S.)
Opouolauhtau, (L. S.)
Teshoolauptau, (L. S.)
Teshoolauptau, (L. S.)
James Underwood, (L. S.)

WITNESSES :—Samuel Mitchel,
Agent to the Chickasaws.

Malcom ✕ Megee, Interpreter to
the Chickasaws.

William R. Bootes, Capt. of 3d Reg.
and aid-de-camp.

J. B. Walbach, Lieut. and aid-de-
camp.

J. Wilson, Lieut. 3d Regiment.

NOW THEREFORE, To the end that
the said treaty may be observed with good
faith on the part of the United States, I
have caused the premises to be made pub-
lic, and I do hereby enjoin and require all
persons bearing office, civil or military,

within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty and every clause and article thereof.

IN TESTIMONY *whereof, I have caused*
the seal of the United States to
(L. S.) *be affixed to these presents, and*
signed the same with my hand.

Done at the City of Washington, the
fourth day of May in the year of
our Lord one thousand eight hun-
dred and two; and of the sovereign-
ty and independence of the United
States of America, the twenty-
sixth.

TH: JEFFERSON.

By the President,

JAMES MADISON,

Secretary of State.

BY THE PRESIDENT
OF THE
UNITED STATES OF AMERICA,
A PROCLAMATION.

WHEREAS a treaty between the United States of America and the Chactaw nation of Indians was concluded and signed on the seventeenth day of December, in the year one thousand eight hundred and one, by the commissioners of both nations, fully and respectively authorized for that purpose, and was duly ratified and confirmed by the President of the United States on the thirtieth day of April, in the year one thousand eight hundred and two, with the advice and consent of the senate ; which treaty is in the words following, to wit :

A treaty of Friendship, Limits and Accommodation between the United States of America and the Chactaw nation of Indians.

THOMAS JEFFERSON, President of the United States of America, by James Wilkinson, of the State of Maryland

Brigadier-General in the army of the United States, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, commissioners plenipotentiary of the United States on the one part, and the Mingos, principal men and warriors of the Chactaw nation, representing the said nation in council assembled, on the other part, have entered into the following articles and conditions, viz.

ART. I. WHEREAS the United States in Congress assembled, did by their commissioners Plenipotentiary, Benjamin Hawkins, Andrew Pickens and Joseph Martin, at a treaty held with the chiefs and head men of the Chactaw nation at Hopewell, on the Keowe, the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, give peace to the said nation, and receive it into the favor and protection of the United States of America; it is agreed by the parties to these presents respectively, that the Chactaw nation, or such part of it as may reside within the limits of the United States, shall be and continue under the care and protection of the said States; and that the mutual confidence and friendship which are hereby acknowledged to subsist between the contracting parties shall be maintained and perpetuated.

ART. II. The Mingos principal men and warriors of the Chactaw nation of Indians, do hereby give their free consent, that a convenient and durable waggon way may be explored, marked, opened and made under the orders and instructions of the President of the United States, through

their lands ; to commence at the northern extremity of the settlements of the Mississippi Territory, and to be extended from thence, by such route as may be selected and surveyed under the authority of the President of the United States, until it shall strike the lands claimed by the Chickasaw nation ; and the same shall be and continue for ever, a high-way for the citizens of the United States and the Chactaws ; and the said Chactaws shall nominate two discreet men from their nation who may be employed as assistants, guides or pilots during the time of laying out and opening the said high-way, or so long as may be deemed expedient, under the direction of the officer charged with this duty, who shall receive a reasonable compensation for their services.

ART. III. The two contracting parties covenant and agree that the old line of demarcation heretofore established by and between the officers of his Britannic Majesty and the Chactaw nation, which runs in a parallel direction with the Mississippi river and eastward thereof, shall be retraced and plainly marked, in such way and manner as the President may direct, in the presence of two persons to be appointed by the said nation ; and that the said line shall be the boundary between the settlements of the Mississippi Territory and the Chactaw nation.—And the said nation does by these presents relinquish to the United States and quit claim forever, all their right, title and pretension to the land lying between the said line and the Mississippi river, bounded south by the thirty-first degree of north latitude, and north

by the Yazoo river, where the said line shall strike the same; and on the part of the commissioners it is agreed, that all persons who may be settled beyond this line shall be removed within it, on the side towards the Mississippi, together with their slaves, household furniture, tools, materials and stock, and that the cabbins or houses erected by such persons shall be demolished.

ART. IV. The President of the United States may, at his discretion, proceed to execute the second article of this treaty; and the third article shall be carried into effect as soon as may be convenient to the government of the United States, and without unnecessary delay on the one part or the other, of which the President shall be the judge; the Chactaws to be seasonably advised, by order of the President of the United States, of the time when, and the place where, the re-survey and remarking of the old line referred to in the preceding article will be commenced.

ART. V. The commissioners of the United States for and in consideration of the foregoing concessions on the part of the Chactaw nation, and in full satisfaction for the same, do give and deliver to the Mingos, chiefs and warriors of the said nation, at the signing of these presents, the value of two thousand dollars in goods and merchandize, nett cost of Philadelphia, the receipt whereof is hereby acknowledged, and they further engage to give three sets of blacksmith's tools to the said nation.

ART. VI. This treaty shall take effect and be obligatory on the contracting par-

ties, so soon as the same shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof.

IN TESTIMONY WHEREOF, the Commissioners Plenipotentiary of the United States, and the Mingos, principal men and warriors of the Chactaw nation, have hereto subscribed their names and affixed their seals at Fort Adams, on the Mississippi, this seventeenth day of December, in the year of our Lord one thousand eight hundred and one, and of the independence of the United States the twenty-sixth.

JAMES WILKINSON, (L. s.)
 BENJAMIN HAWKINS, (L. s.)
 ANDREW PICKENS, (L. s.)

Tuskona ✕ Hopoia, (L. s.)
 Toota ✕ Homo, (L. s.)
 Mingo Homo ✕ Massatubby, (L. s.)
 Oak ✕ Shummé, (L. s.)
 Mingo ✕ Poos,coos, (L. s.)
 Buckshun ✕ Nubby, (L. s.)
 Shappa ✕ Homo, (L. s.)
 Hi,u,pa ✕ Homo, (L. s.)
 Il,la talla ✕ Homo, (L. s.)
 Hoché ✕ Homo, (L. s.)
 Tuspéna ✕ Chaabé, (L. s.)
 Muclusha ✕ Hopoia, (L. s.)
 Capputanne ✕ Thlucco, (L. s.)
 Robert ✕ M'Clure, (L. s.)
 Poosha ✕ Homo, (L. s.)
 Ba ka ✕ Lubbé (L. s.)

Witnesses present:—Alexander Maccomb, jun. secretary to the commission;

John M'Kee, deputy superintendant and agent to the Chactaws; Henry Gaither, lieutenant colonel commandant; John H. Brull, major second regiment infantry; Bn. Shaumburgh, captain second regiment infantry; Fræn. Jones, assistant quarter master general; Benjamin Wilkinson, lieutenant and paymaster third United States regiment; J. B. Walback, aid de camp to the commanding general; J. Wilson, lieutenant third regiment infantry; Samuel Jeton, lieutenant second regiment of artillery and engineers; John F. Carmichael, surgeon third regiment United States army.

NOW, THEREFORE, to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

IN TESTIMONY whereof I have caused the seal of the United States (L. S.) to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington the fourth day of May, in the year of our Lord one thousand eight hundred and two, and of the sovereignty and independence of the United States the twenty-sixth.

TH: JEFFERSON.

By the President,

JAMES MADISON,

Secretary of State.

THOMAS JEFFERSON,
PRESIDENT OF THE
UNITED STATES OF AMERICA.

To all and singular, to whom these presents shall come, GREETING.

WHEREAS a certain treaty between the United States and the Creek Nation of Indians was concluded and signed near Fort Wilkinson on the Oconee river, on the sixteenth day of June last past, which treaty is as follows :

A Treaty of Limits between the United States of America and the Creek Nation of Indians.

Thomas Jefferson, President of the United States of America, by James Wilkinson, of the state of Maryland, Brigadier General in the army of the United States, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, Commissioners Plenipotentiary of the United States on the one part, and the Kings, Chiefs, Head Men and Warriors of the Creek Nation, in council assembled, on the other part, have entered into the following articles and conditions, viz.

ARTICLE I. The Kings, Chiefs, Head men and Warriors of the Creek nation, in behalf of the said nation, do by these presents cede to the United States of America all that tract and tracts of land, situate, lying and being within and between the following bounds, and the lines and limits of the extinguished claims of the said nation heretofore ascertained and established by treaty. That is to say—beginning at the upper extremity of the high shoals of the Appalachee river, the same being a branch of the Oconee river, and on the southern bank of the same—running thence a direct course to a noted ford of the south branch of Little river, called by the Indians Chat, to, chuc, co hat, chee,—thence a direct line to the main branch of Commissioners' creek, where the same is intersected by the path leading from the rock landing to the Ocmulgee Old Towns, thence a direct line to Palmetto Creek, where the same is intersected by the Uchee path leading from the Oconee to the Ocmulgee river—thence down the middle waters of the said Creek to Oconee river, and with the western bank of the same to its junction with the Ocmulgee River, thence across the Ocmulgee river to the south bank of the Altamaha river, and down the same at low water mark to the lower bank of Goose Creek, and from thence by a direct line to the Mounts, on the Margin of the Okefinocau swamp, raised and established by the commissioners of the United States and Spain at the head of the St. Mary's river; thence down the middle wa-

ters of the said river, to the point where the old line of demarcation strikes the same, thence with the said old line to the Altamaha river and up the same to Goose Creek : and the said Kings, Chiefs, Head men and Warriors do relinquish and quit claim to the United States all their right, title, interest and pretensions, in and to the tract and tracts of land within and between the bounds and limits aforesaid, forever.

ART. II. The commissioners of the United States, for and in consideration of the foregoing concession on the part of the Creek nation, and in full satisfaction for the same, do hereby covenant and agree with the said nation, in behalf of the United States, that the said States shall pay to the said nation, annually, and every year, the sum of three thousand dollars, and one thousand dollars for the term of ten years, to the chiefs who administer the government, agreeably to a certificate under the hands and seals of the commissioners of the United States of this date, and also twenty-five thousand dollars in the manner and form following, viz. Ten thousand dollars in goods and merchandise, the receipt of which is hereby acknowledged ; ten thousand dollars to satisfy certain debts due from Indians and white persons of the Creek country to the factory of the United States ; the said debts, after the payment aforesaid, to become the right and property of the Creek nation, and to be recovered for their use in such way and manner as the President of the United States may think proper to direct ; five thousand dollars to satisfy claims

for property taken by individuals of the said nation, from the citizens of the United States, subsequent to the treaty of Colerain, which has been or may be claimed and established agreeably to the provisions of the act for regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontiers. And it is further agreed that the United States shall furnish to the said nation two sets of blacksmiths' tools, and men to work them, for the term of three years.

ART. III. It is agreed by the contracting parties that the garrison or garrisons which may be found necessary for the protection of the frontiers, shall be established upon the land of the Indians at such place or places as the President of the United States may think proper to direct, in the manner and on the terms established by the treaty of Colerain.

ART. IV. The contracting parties to these presents do agree that this treaty shall become obligatory and of full effect, so soon as the same shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof.

IN TESTIMONY WHEREOF, the Commissioners Plenipotentiary of the United States, and the Kings, Chiefs, Head Men and Warriors of the Creek nation, have hereunto subscribed their names and affixed their seals at the camp of the Commissioners of the United States near Fort Wilkinson, on the Oconee river, this sixteenth day of June, in the year of our Lord

one thousand eight hundred and two,
and of the independence of the United
States the twenty-sixth.

JAMES WILKINSON, (L. S.)
BENJAMIM HAWKINS, (L. S.)
ANDREW PICKENS, (L. S.)

Efau ✕ Haujo,
1 Tustunnuggee ✕ Thlucce,
2 Hopoie ✕ Micco,
3 Hopoie ✕ O,loh,tau,
Tallasse ✕ Micco,
Tusseikia ✕ Micco,
Micco ✕ Thluc,co,
Treskenehau ✕ Chapco,
Chou,wacke ✕ le Micco,
Toosce ✕ hache Micco,
Hopoie ✕ Yauhoho,
Hoithlewau ✕ le Micco,
Efau Haujo ✕ of Cooloome,
Cus,se,tuh ✕ Tus,tun,nug,gee,
Tal,chis,chau ✕ Mic,co,
Yauf,kee ✕ Emautla Haujo,
Coosaudee ✕ Tustunnuggee,
Nenehom ✕ ohtau Testunnuggee Micco,
Is,fau,nau ✕ Tus,tun,nug,gee,
Eufaulau ✕ Tustunnuggee,
Tustunnuc ✕ Hoithlepoyuh,
Ishopei ✕ Tustunnuggee,
Cowetuh ✕ Tustunnuggee,
Hopothle ✕ Haujo,
Woc,see ✕ Haujo,
Uctij utchee ✕ Tustunnuggee
Okelesau ✕ Hut,kee,
Pahose ✕ Micco,
Micke ✕ Emautlau,
Hoithle po yan ✕ Haujo,

Cussetuh ✕ Haujo,
Ochewee ✕ Tustunnuggee,
Toosehathee ✕ Haujo,
Isfau,ne ✕ Haujo,
Ho,poith,le ✕ Ho,poi,e
Olohuh ✕ Emautiaw,

TIMOTHY BARNARD,
ALEXANDER CORNELLS, } *Interpreters.*
JOSEPH ISLANDS,

ALEXANDER MACOMB, jun.

Secretary to the Commissioners.

WILLIAM R. BOOTES,

Captain 2d Regiment Infantry.

T. BLACKBURN,

Lieut. Com. Comp. D.

JOHN B. BARNES,

Lieut. United States A.

WM. HILL, *Ajt. C. D.*

NOW BE IT KNOWN, That I, THOMAS JEFFERSON, President of the United States of America, having seen and considered the said treaty, do, by and with the advice and consent of the Senate thereof, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the said (L. s.) United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington the eleventh day of January, in the year of our Lord one thousand eight hundred and three, and of the independence of the United States the twenty-seventh.

TH. JEFFERSON.

By the President,

JAMES MADISON,
Secretary of State.

THOMAS JEFFERSON,
PRESIDENT OF THE
UNITED STATES OF AMERICA.

To all to whom these presents shall come,
GREETING.

WHEREAS a treaty was held on the thirtieth day of June last, under the authority of the United States, with the Seneca nation of Indians, at Buffaloe creek, in the county of Ontario and state of New York, and at the said treaty, in the presence of and with the approbation of John Taylor, esquire, a commissioner of the United States, appointed to hold the same, an indenture or agreement was entered into between the said nation of Indians, and Wilhem Willink and others hereinafter mentioned, which indenture or agreement is in the words following :

THIS INDENTURE, made the thirtieth day of June, in the year of our Lord one thousand eight hundred and two, between the Sachems, Chiefs, and Warriors of the Seneca Nation of Indians, of the first part, and Wilhem Willink, Pieter Van Eeghen, Hendrick Vollenhoven, W. Willink the younger, I. Willink the younger (son of Jan) Jan Gabriel Van Staphorst, Roelof Van Staphorst the younger, Cornelis Vollenhoven

and Hendrik Seye, all of the city of Amsterdam and Republic of Batavia, by Joseph Ellicott, esquire, their agent and attorney, of the second part.

WHEREAS at a treaty under the authority of the United States with the said Seneca nation of Indians, at Buffaloe creek, in the county of Ontario and state of New York, on the day of the date of these presents, by the honorable John Taylor, esquire, a commissioner appointed by the President of the United States to hold the same, in pursuance of the Constitution, and of the act of the Congress of the United States in such case made and provided, a convention was Entered into in the presence and with the approbation of the said commissioner, between the said Seneca nation of Indians and the said Wilhem Willink, Pieter Van Eeghen, Hendrick Vollenhoven, W. Willink the younger, I. Willink the younger (son of Jan) Jan Gabriel Van Staphorst, Roelof Van Staphorst the younger, Cornelis Vollenhoven and Hendrik Seye, by the said Joseph Ellicott, their agent and attorney, lawfully constituted and appointed for that purpose.

NOW THIS INDENTURE WITNESSETH, That the said parties of the first part, for and in consideration of the lands hereinafter described, do hereby exchange, cede, and forever quit claim to the said parties of the second part, their heirs and assigns, ALL those lands situate, lying and being in the county of Ontario and state of New York, being part of the lands described and reserved by the said

parties of the first part, in a treaty or convention held by the honorable Jeremiah Wadsworth, Esquire, under the authority of the United States on the Genesee river the 15th day of September, one thousand seven hundred and ninety-seven, in words following, viz.

“ **BEGINNING** at the mouth of the eighteen mile or Kogh quaw-gu creek, thence a line or lines to be drawn parallel to lake Erie, at the distance of one mile from the lake, to the mouth of Cataraugos creek, thence a line or lines extending twelve miles up the north side of said creek at the distance of one mile therefrom, thence a direct line to the said creek, thence down the said creek to lake Erie, thence along the lake to the first mentioned creek, and thence to the place of beginning. Also one other piece at Cataraugos, beginning at the shore of lake Erie on the south side of Cataraugos creek, at the distance of one mile from the mouth thereof, thence running one mile from the lake, thence on a line parallel thereto to a point within one mile from the Con non-dau-we-gea creek, thence up the said creek one mile on a line parallel thereto, thence on a direct line to the said creek, thence down the same to lake Erie, thence along the lake to the place of beginning ;” reference being thereunto had will fully appear. **TOGETHER** with all and singular the rights, privileges, hereditaments and appurtenances thereunto belonging, or in any wise appertaining. **AND** all the estate, right, title and interest whatsoever, of them, the said parties of the first part, and their nation of, in and to the said tracts of land, above described,

TO HAVE AND TO HOLD all and singular the said granted premises, with the appurtenances, to the said parties of the second part, their heirs and assigns, to their only proper use, benefit and behoof forever.

AND in consideration of the said lands described and ceded as aforesaid, the said parties of the second part, by Joseph Elliott, their agent and attorney as aforesaid, do hereby exchange, cede, release, and quit claim to the said parties of the first part and their nation (the said parties of the second part reserving to themselves the right of pre-emption) all that certain tract or parcel of land situate as aforesaid. **BEGINNING** at a post marked No. O. standing on the bank of lake Erie, at the mouth of Cataraugos creek, and on the north bank thereof; thence along the shore of said lake N. 11° E. 21 chains; N. thirteen degrees east 45 chains; N. 19° E. 14 chains, 65 links to a post; thence east 119 chains to a post; thence south 14 chains 27 links to a post; thence east 640 chains to a post standing in the meridian between the 8th and 9th ranges; thence along said meridian south 617 chains 75 links to a post standing on the south bank of Cataraugos creek; thence west 160 chains to a post; thence north 290 chains 25 links to a post; thence west 482 chains 31 links to a post; thence north 219 chains 50 links to a post standing on the north bank of Cataraugos creek; thence down the same and along the several meanders thereof to the place of beginning. **TO HOLD** to the said parties of the first part in the same manner and by the same tenure as the lands reserved by the

said parties of the first part in and by the said treaty or convention entered into on Genesee river the 15th day of September, one thousand seven hundred and ninety-seven, as aforesaid, were intended to be held.

IN TESTIMONY whereof the parties to these presents have hercunto, and to two other indentures of the same tenor and date, one to remain with the United States, one to remain with the said parties of the first part, and one other to remain with the said parties of the second part, interchangeably set their hands and seals the day and year first above written.

Con-nea ti-u, his x mark,
 Koe-en-twah-ka, or Corn Planter, his x
 mark
 Won-don-goohka, his x mark,
 Te-kon-nou-du, his x mark,
 Te-ki-ain-dau, his x mark,
 Sa-goo-yes, his x mark,
 Tow-yo-cau-na, or Blue Sky, his x mark
 Koying-quau-tah, or Young King, his x
 mark,
 Ka-oun-doo-wand, or Pollard, his x mark,
 Con-na-wan-de-au, his x mark,
 Soo-no-you, his x mark,
 Au wen-nau-sa, his x mark,
 Soo-goo-ya-wau-tau, or Red Jacket, his x
 mark,
 Cosh-kou-tough, his x mark,
 Te-yo-kai-hos-sa, his x mark,
 Ona-ya-wos, or Farmer's Brother his x
 mark
 So-nau-goi-es, his x mark,

Gish-ka-ka, or Little Billy, his x mark,
Sus-sa oo wau, his x mark.

Wilhem Willink, Pieter Van Eeghen,
Hendrik Vollenhoven, W. Willink, the
younger, I. Willink the younger (son of
Jan) Jan Gabriel Van Staphorst, Roelof
Vanstaphorst the younger, Cornelis Vol-
lenhoven, and Hendrik Seye, by their
Attorney.

JOSEPH ELLICOTT. (L. s.)

Sealed and delivered in the presence of

JOHN THOMPSON,
ISRAEL CHAPIN,
JAMES W. STEVENS,
HORATIO JONES, } *Interpreters.*
JASPER PARRISH, }

Done at a full and general treaty of the
Seneca nation of Indians, held at Buffalo
Creek, in the county of Ontario and state
of New York, on the thirtieth day of June,
in the year of our Lord one thousand eight
hundred and two, under the authority of
the United States. In testimony whereof
I have hereunto set my hand and seal the
day and year aforesaid.

JOHN TAYLER. (L. s.)

NOW BE IT KNOWN, That I, THO-
MAS JEFFERSON, President of the United
States of America, having seen and con-
sidered the said indenture or agreement,
do, by and with the advice and consent of
the Senate thereof, accept, ratify, and con-
firm the same, and every clause and arti-
cle thereof.

IN TESTIMONY WHEREOF, I

have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the City of Washington,

(L. s.) the twelfth day of January, in the year of our Lord one thousand eight hundred and three, and in the twenty-seventh year of the Independence of the said United States.

TH: JEFFERSON.

By the President.

JAMES MADISON,

Secretary of State.

THOMAS JEFFERSON,

PRESIDENT OF THE

UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, GREETING.

WHEREAS a certain convention between the United States and the Choctaw nation of Indians, was concluded and signed at Fort Confederation on the Tombigby river, on the seventeenth day of October last passed, which convention is as follows.

A provisional convention entered into and made by brigadier general James Wilkinson, of the state of Maryland, commissioner for holding conferences with the Indians south of the Ohio river, in behalf of the United States on the one part, and the whole Choctaw nation, by their chiefs, head men, and principal warriors, on the other part.

Preamble. For the mutual accommodation of the parties, and to perpetuate that concord and friendship, which so happily subsists between them, they do hereby freely, voluntarily, and without constraint, covenant and agree,

ART. I. That the President of the United States may, at his discretion, by a commissioner or commissioners, to be appointed by him, by and with the advice

and consent of the senate of the United States, retrace, connect, and plainly remark the old line of limits, established by and between his Britannic majesty and the said Choctaw nation, which begins on the left bank of the Chickasawhay river and runs thence in an easterly direction to the right bank of the Tombigby river, terminating on the same, at a bluff, well known by the name of Hach-a-Tig-geby, but it is to be clearly understood, that two commissioners, to be appointed by the said nation, from their own body, are to attend the commissioner or commissioners of the United States, who may be appointed to perform this service, for which purpose the said Choctaw nation shall be seasonably advised by the President of the United States, of the particular period at which the operation may be commenced, and the said Choctaw commissioners shall be subsisted by the United States, so long as they may be engaged on this business, and paid for their services, during the said term, at the rate of one dollar per day.

ART. II. The said line, when thus remarked and re-established, shall form the boundary between the United States and the said Choctaw nation, in that quarter, and the said Choctaw nation, for, and in consideration of one dollar, to them in hand paid by the said United States, the receipt whereof is hereby acknowledged, do hereby release to the said United States, and quit claim for ever, to all that tract of land which is included by the before-named line on the north, by the Chickasawhay river, on the west by the Tombigby and the Mobile rivers on the east, and by

the boundary of the United States on the south.

ART. III. The chiefs, head men and warriors, of the said Choctaw nation, do hereby constitute, authorise and appoint, the chiefs and head men of the upper towns of the said nation, to make such alteration in the old boundary line near the mouth of the Yazou river, as may be found convenient, and may be done without injury to the said nation.

ART. IV. This convention shall take effect, and become obligatory on the contracting parties as soon as the President of the United States, by and with the advice and consent of the senate, shall have ratified the same.

In testimony whereof, the parties have hereunto set their hands and affixed their seals at Fort Confederation, on the Tombigby in the Choctaw country, this 17th day of October, in the year of our Lord one thousand eight hundred and two, and of the independence of the United States the twenty-seventh.

JAMES WILKINSON, (SEAL)

In behalf of the lower towns and Chickasawhay.

Tusk-o-na Hoo-poi-o, his ✕ mark,
Mingo Poos-koos, his ✕ mark,
Mingo Poos-koos, 2d. his ✕ mark,
Poosh-a Mat-ta-haw, his ✕ mark,

In behalf of the upper towns,

Oak Chummy, his ✕ mark,
Tuskee, Mai-a-by, his ✕ mark,

In behalf of the six towns and lower town,

Lat-al-a hom-ah, his ✕ mark,
Mook-la-hoo-soo poi-ch, his ✕ mark,
Mingo, Hom, As-tubby, his ✕ mark,
Tusk-a hom ah, his ✕ mark.

Witnesses present.

SILAS DINSMORE, Agent to the Choctaws.

JOHN PITCHLYNN,
TURNER BRASHEARS, } *Interpt's.*
PETER H. NAISALIS, }
JOHN LONG.

NOW BE IT KNOWN, That I THOMAS JEFFERSON, President of the United States of America having seen and considered the said convention, do, by and with the advice and consent of the Senate thereof, accept, ratify and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I

(L. s.) have caused the seal of the United States to be hereunto affixed, and signed the same with my hand. Done at the city of Washington the twentieth day of January, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty seventh.

TH: JEFFERSON.

By the President.

JAMES MADISON,
Secretary of State.

THOMAS JEFFERSON,
PRESIDENT OF THE
UNITED STATES OF AMERICA.

To all to whom these presents shall come,
GREETING.

WHEREAS a treaty was held on the 30th day of June last under the authority of the United States with the Seneca Nation of Indians at Buffalo Creek in the county of Ontario and state of New York, and at the said treaty in the presence of and with the approbation of John Tayler Esq. a Commissioner of the United States, appointed to hold the same, an agreement was entered into between Oliver Phelps, Esq. and others hereinafter mentioned, which agreement is in the words following.

AT A TREATY held under the authority of the United States, at Buffalo Creek in the county of Ontario, and state of New-York, between the Sachems, Chiefs and Warriors of the Seneca Nation of Indians, on behalf of said nation, and Oliver Phelps, Esq. of the county of Ontario, Isaac Bronson, Esq. of the city of New York, and Horatio Jones, of the said county of Ontario. in the presence of John Tayler, Esq. Commissioner appointed by the President of the United States for holding said treaty.

KNOW ALL MEN by these presents, that the said Sachems, Chiefs and warriors, for and in consideration of the sum of twelve hundred dollars, lawful money of the United States, unto them in hand paid by the said Oliver Phelps, Isaac Bronson and Horatio Jones, at or immediately before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, HAVE and by these presents Do grant, remise, release and forever quit claim and confirm unto the said Oliver Phelps, Isaac Bronson and Horatio Jones, and to their heirs and assigns, ALL that tract of land commonly called and known by the name of Little Beard's Reservation, situate lying and being in the said county of Ontario, BOUNDED on the East by the Genesee river and Little Beard's Creek, on the south and West by other lands of the said parties of the second part, and on the north by Big Tree Reservation—containing two square miles, or twelve hundred and eighty acres, together with all and singular, the hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, to hold to them the said Oliver Phelps, Isaac Bronson and Horatio Jones, their heirs and assigns, to the only proper use and behoof of them the said Oliver Phelps, Isaac Bronson and Horatio Jones their heirs and assigns forever.

IN testimony whereof the said Commissioner, and the said parties have hereunto, and to two other instruments of the same tenor and date, one to remain with the United States, one to remain with the Seneca Nation of Indians, and one to remain

with the said Oliver Phelps, Isaac Bronson and Horatio Jones, interchangeably set their hands and seals. Dated the 30th day of June in the year of our Lord one thousand eight hundred and two.

Con-nea-ti-u, his mark ✕ (L. S.)

Koe-en-twah-ka, or Corn Planter, his
mark ✕ (L. S.)

Won-don-goohk-ta, his mark X (L. S.)

Te-kon-non-du, his mark ✕ (L. S.)

Te-ki-ain-dau, his mark ✕ (L. S.)

Sa-goo-yes, his mark ✕ (L. S.)

Tou-yo-cau-na, or Blue Sky, his maak
✕ (L. S.)

Koying-quau-tah, or Young King, his
mark ✕ (L. S.)

Soo-goo-ya-wau-tou, or Red Jacket, his
mark ✕ (L. S.)

Ona-ya-wos, or Farmer's Brother, his
mark ✕ (L. S.)

Ka-oun-doo-wand, or Pollard his mark
✕ (L. S.)

Au-wen-nau-sa, his mark ✕ (L. S.)

Sealed and delivered }
in presence of }

JOHN THOMSON,
JAMES W. STEVENS,
ISRAEL CHAPIN,
JASPER PARRISH, *Interpreter.*

NOW BE IT KNOWN, That I, THOMAS JEFFERSON, President of the United States of America, having seen and considered the said agreement, do, by and with the advice and consent of the senate

thereof, accept, ratify, and confirm the same and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand. Done at the city of Washington, the seventh day of February, in the year of our Lord one thousand eight hundred and three; and of the Independence of the said United States, the twenty-seventh.

TH: JEFFERSON,

By the President.

JAMES MADISON,
Secretary of State.

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- With the President's approbation, the Secretary of the Treasury may augment the compensation of certain officers of the direct tax, - - - chap. 12, f. 7, p. 56
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- To convey certain lands to Cornelius Vermule and others, - - - chap. 14, f. 1, p. 53
- Sum appropriated for the expense of a negotiation with the British government, if he shall commence it, - - - chap. 16, p. 54
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- He may discontinue certain collectors and supervisors, and appoint others, - - - chap. 19 f. 2, p. 58
- Authorized to make an additional allowance for collecting the internal revenue, - - - *ibid.* *ibid.* p. 60
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- He may direct the application of a sum of money, in keeping in repair, and erecting public piers in the river Delaware, - - - chap. 20, f. 8, p. 67
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