

Exportation of timber contrary to this act, subjects the vessel to forfeiture and the master to a fine.

Recovery of penalties, &c. and mitigation thereof, according to the acts mentioned.

1799, ch. 22.

1797, ch. 13.

SEC. 4. *And be it further enacted*, That if any timber as aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the ship or vessel in which the same shall have been exported shall be liable to forfeiture, and the captain or master of such ship or vessel shall forfeit and pay a sum not exceeding one thousand dollars.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures incurred for taking on board, transporting or exporting timber by force of this act, shall be sued for, recovered, and distributed, and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," and shall be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned."

APPROVED, March 1, 1817.

STATUTE II.

March 1, 1817.

CHAP. XXIII.—*An Act to enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states.*

Act of April 3, 1818, ch. 29.

Act of May 3, 1822, ch. 46.

Inhabitants of the western part of the Mississippi to form a state government, be admitted into the union, &c.

Boundaries of the state.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of the western part of the Mississippi territory be, and they hereby are, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the union upon the same footing with the original states, in all respects whatever.

SEC. 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to wit: Beginning on the river Mississippi at the point where the southern boundary line of the state of Tennessee strikes the same, thence east along the said boundary line to the Tennessee river, thence up the same to the mouth of Bear Creek, thence by a direct line to the north-west corner of the county of Washington, thence due south to the Gulf of Mexico, thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne, thence up said river to the thirty-first degree of north latitude, thence west along the said degree of latitude to the Mississippi river, thence up the same to the beginning.

Qualifications of persons authorized to choose representatives, to form a convention.

Apportionment of representatives to form a convention.

Time and manner of holding the election.

SEC. 3. *And be it further enacted*, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided within the said territory at least one year previous to the time of holding the election, and shall have paid a county or territorial tax, and all persons having in other respects the legal qualifications to vote for Representatives in the general assembly of the said territory, be, and they are hereby authorized to choose Representatives to form a convention, who shall be apportioned among the several counties within the said territory, as follows, to wit: from the county of Warren, two Representatives; from the county of Claiborne, four Representatives; from the county of Jefferson, four Representatives; from the county of Adams, eight Representatives; from the county of Franklin, two Representatives; from the county of Wilkinson, six Representatives; from the county of Amite, six Representatives; from the county of Pike, four Representatives; from the county of Lawrence, two Representatives; from the county of Marion, two Representatives; from the county of Hancock, two Representatives; from the county of Wayne, two Representatives; from the county of Greene, two Representatives; from the county of Jackson, two Representatives; and the election of the Representatives aforesaid shall be holden on the first Monday and

Tuesday in June next, throughout the several counties above mentioned, and shall be conducted in the same manner as is prescribed by the laws of said territory, regulating elections therein for members of the House of Representatives.

Sec. 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they hereby are, authorized to meet at the town of Washington, on the first Monday in July next: which convention, when met, shall first determine, by a majority of the whole number elected; whether it be or be not expedient, at that time, to form a constitution and state government for the people within the said territory; and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and state government: *Provided*, That the same, when formed, shall be republican, and not repugnant to the principles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the people and states of the territory north-west of the river Ohio, so far as the same has been extended to the said territory by the articles of agreement between the United States and the state of Georgia, or of the constitution of the United States: *And provided also*, That the said convention shall provide, by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare that they for ever disclaim all right or title to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land sold by Congress, shall be and remain exempt from any tax laid by the order, or under the authority, of the state, whether for state, county, township, parish or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof, and that the lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of the said state, as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said state.

Sec. 5. *And be it further enacted*, That five per cent. of the net proceeds of the lands lying within the said territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals; of which three-fifths shall be applied to those objects within the said state, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said state, under the direction of Congress: *Provided*, That the application of such proceeds shall not be made until after payment is completed of the one million two hundred and fifty thousand dollars due to the state of Georgia, in consideration of the cession to the United States, nor until the payment of all the stock which has been or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi territory," shall be completed: *And provided also*, That the said five per cent. shall not be calculated on any part of such proceeds as shall be applied to the payment of the one million two hundred and fifty thousand dollars due to the state of Georgia, in consideration of the cession to the United States, or in payment of the stock which has or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi territory."

Sec. 6. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one Representative in the House of Representatives of the United States.

APPROVED, March 1, 1817.

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Convention to meet at Washington in July, 1817, and to determine, &c.

Proviso: the government to be republican, and not repugnant to the ordinance of 13th July, 1787.

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Proviso: Reservations and conditions of admission to the union.

Reservation of five per cent. on lands sold for making roads and canals.

Proviso: prior obligations to Georgia, &c., to be first discharged.

Act of March 31, 1814, ch. 39.

Proviso: the five per cent. not to be calculated on certain proceeds.

1814, ch. 39.

The state entitled to one representative in Congress.

STATUTE II.
March 1, 1817.

Act of March 30, 1812, ch. 47, sec. 6.

Pursers to enter into bond in the penalty of 25,000 dollars.

Exception in favour of pursers on distant service.

STATUTE II.
March 1, 1817.

[Obsolete.]

Letters and packets to and from James Madison free during life.

STATUTE II.
March 1, 1817.

[Obsolete.]

Persons redeeming and purchasing citizens from captivity to be allowed not exceeding 150 dollars for each.

1823, ch. 70.

STATUTE II.
March 1, 1817.

Powers of the commissioners appointed for the more convenient taking of affidavits and bail in civil causes extended.

Act of Feb. 20, 1812, ch. 25.

Act of 1789, ch. 20.

CHAP. XXIV.—*An Act supplementary to an act, entitled "An act concerning the naval establishment." (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every purser now in service, or who may hereafter be appointed, shall, instead of the bond required by the act to which this is a supplement, enter into bond with two or more sufficient sureties, in the penalty of twenty-five thousand dollars, conditioned for the faithful discharge of all his duties as purser in the navy of the United States, which said sureties shall be approved by the judge or attorney of the United States for the district in which such purser shall reside.

SEC. 2. *And be it further enacted,* That, from and after the first day of May next, no person shall act in the character of purser, who shall not enter into bond as aforesaid, excepting pursers on distant service, who shall not remain in service longer than two months after their return to the United States, unless they shall comply with the provisions of the first section of this act.

APPROVED, March 1, 1817.

CHAP. XXV.—*An Act freeing from postage all letters and packets to and from James Madison.*

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 and from James Madison, now President of the United States, after the expiration of his term of office, and during his life, shall be carried by the mail free of postage.

APPROVED, March 1, 1817.

CHAP. XXIX.—*An Act relating to the ransom of American captives of the late war.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper accounting officer of the War Department be, and he is hereby authorized and directed to settle the accounts of any person who may have redeemed and purchased from captivity any citizen of the United States, taken prisoner during the late war with Great Britain, upon the same principles and rules of evidence by which other claims are adjusted in said department: *Provided,* That in no case shall a greater sum be allowed than one hundred and fifty dollars.

APPROVED, March 1, 1817.

CHAP. XXX.—*An Act in addition to an act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in 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 the commissioners who now are, or hereafter may be, appointed by virtue of the act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States," are hereby authorized to take affidavits and bail in civil causes, to be used in the several district courts of the United States, and shall and may exercise all the powers that a justice or judge of any of the courts of the United States may exercise by virtue of the thirtieth section of the act, entitled "An act to establish the judicial courts of the United States."

APPROVED, March 1, 1817.

(a) By an act to regulate the pay of pursers and other officers of the navy, passed August 26, 1842, ch. 206, the pay of pursers was fixed as follows; in lieu of all other pay and allowances when attached to vessels in commission for sea service, for ships of the line, \$3500; for frigates or razees, \$3000; for sloops of war and steamers, first class, \$2000; for brigs and schooners and steamers less than first class, \$1500. On duty at navy-yards, at Boston, New York, Norfolk and Pensacola, \$2500. At Portsmouth, Philadelphia and Washington, \$2000. At other naval stations within the United States, \$1500. And in receiving ships at Boston, New York and Norfolk, \$2500, and at other places, \$1500. On leave or waiting orders, the same pay as surgeons.