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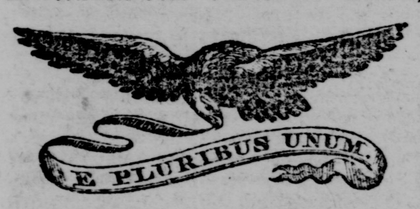
Laws of the United States,



PASSED AT THE FIRST SESSION, 19TH. CONGRESS.

By Authority.

[PUBLIC ACTS.]

AN ACT making further provision for the extinguishment of the debt due to the United States, by the purchasers of Public Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May eighteenth, one thousand eight hundred and twenty-four, and the provisions of the act entitled "An act explanatory of an act entitled an act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May the twenty-sixth, one thousand eight hundred and twenty-four, be, and the same are hereby severally revived and continued in force, in all respects whatsoever, until the fourth day of July, one thousand eight hundred and twenty-seven.

Sec. 2. And be it further enacted, That the legal holder of any certificate of lands purchased from the United States, which land has reverted by virtue of the provisions of the act of the second of March, eighteen hundred and twenty-one, or the several acts supplementary thereto; or which, by virtue of the fifth section of the act of tenth of May, one thousand eight hundred, is subject to be sold for the balance due thereon with interest; or which, under the provisions of the said act, has become forfeited to the United States, since the first day of July, eighteen hundred and twenty, and which has not been sold, shall be permitted to redeem the same at any time previous to the first day of May, one thousand eight hundred and twenty seven, on paying the amount of the purchase money due, exclusive of interest, with a deduction of thirty-seven and a half per cent.

Sec. 3. And be it further enacted, That if the legal holder of any certificate of further credit extended to purchasers of public lands by the act of the second of March, eighteen hundred and twenty-one, entitled—"an act for the relief of the purchasers of public lands, prior to the first day of July, eighteen hundred and twenty, "shall, previous to the fourth day of July, eighteen hundred and twenty seven, discharge the amount due on such certificate, by relinquishment or payment, or both, such holder shall be entitled to a remission of all interest due thereon at the day of such discharge, together with a deduction of thirty-seven and a half per cent. on the amount actually paid in cash.

JOHN W. TAYLOR,
Speaker of the House of Representatives
JOHN. C. CALHOUN,
Vice-President of the United States, and
President of the Senate.

APPROVED—May 4, 1826. [33]
JOHN QUINCY ADAMS.

AN ACT to alter the times of holding the Circuit Courts of the United States for the District of New York, and the April Term of the Circuit Court for the District of Connecticut.

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 July next, the Circuit Courts of the United States for the District of New York shall commence and be held at the City Hall of the City of New York, on the last Mondays in May and October, instead of the times heretofore established by law. And the Circuit Court of the United States for the District of Connecticut holden at New Haven, shall be held on the last Wednesdays in April, instead of the time heretofore established by law.

Sec. 2. And be it further enacted, That all indictments, informations, suits, or actions, and proceedings of every kind, whether of a civil or criminal nature, pending in the said Courts respectively, on the first day of July next, shall thereafter have day in Court, and be proceeded in, heard, tried, and determined, on the days herein appointed, for holding the said Courts respectively, in the same manner as they might and ought to have been done, had the said Courts been holden respectively on the days heretofore directed by law.

Sec. 3. And be it further enacted, That all writs, suits, actions, or recognizances, or other proceedings, which are or shall be instituted, served, commenced, had, or taken to the said Circuit Courts, or either of them, to have been holden as heretofore directed by law, shall be returnable to, entered in, heard, tried, and have day in Court, in each of the said Courts respectively, to be holden at the times by this act directed, in the same manner as might and ought to have been done, had the said Courts been holden at the times heretofore directed by law.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
Vice-President of the United States, and
President of the Senate.

APPROVED—May 13, 1826. [34]
JOHN QUINCY ADAMS.

AN ACT authorizing the payment of interest due to the State of Maryland.

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 Department be, and they are hereby authorized and directed to liquidate and settle the claim of the State of Maryland against the United States, for interest upon loans on moneys borrowed, and actually expended by her, for the use and benefit of the United States, during the late war with Great Britain.

Sec. 2. And be it further enacted, That, in ascertaining the amount of interest, as aforesaid due to to the state of Maryland, the following rules shall be understood as applicable to, and governing the case, to wit: First that interest shall not be computed on any sum which Maryland has not expended for the use and benefit of the United States, as evidenced by the amount refunded or repaid to Maryland, by the United States; Second, that no interest shall be paid on any sum on which she has not paid interest; Third that when the principal, or any part of it, has been paid or refunded by the U. States, or money placed in the hands of Maryland, for that purpose, the interest on the sum or sums so paid or refunded, shall cease, and not be considered as chargeable to the United States, any longer than up to the time of the repayment, as aforesaid.

Sec. 3. And be it further enacted, That the amount of the interest, when ascertained, as aforesaid, shall be paid out of any money in the Treasury, not otherwise appropriated.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
Vice-President of the United States, and
President of the Senate.

APPROVED—May 13, 1826. [35]
JOHN QUINCY ADAMS.

AN ACT to authorize a subscription for stock, on the part of the United States, in the Louisville and Portland Canal Company.

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 hereby is, authorized & directed to subscribe for, or purchase, in the name, and for the use of the United States not exceeding one thousand shares, of the capital stock of the Louisville and Portland Canal Company, and to pay for the same at such times, and in such proportions, as may be required of and paid by other stockholders of said company, out of any money in the Treasury not otherwise appropriated: Provided said shares can be procured for a sum not exceeding one hundred dollars each.

Sec. 2. And be it further enacted, That the Secretary of the Treasury shall vote for the President and Directors of said Company, according to such number of shares, and shall receive, upon the said stock, the proportion of the tolls which shall, from time to time, be due to the United States, for the shares aforesaid.

Sec. 3. And be it further enacted, That this act shall not go into effect, until one or more competent engineer or engineers, in the service of the United States, shall examine the ground on which said canal is proposed to be constructed, and make a report in writing to the Secretary of War, that, in his opinion, the plan upon which the canal is to be constructed is practicable, and that the sum hereby authorized to be vested in the subscription, or purchase of stock, will be sufficient, together with the sums already paid, or to be paid, upon the stock subscribed for, and owned by individuals, to complete the canal according to said plan.

Sec. 4. And be it further enacted, That, for the purpose of carrying into effect the provisions of this act, the sum of one hundred thousand dollars shall be and the same is hereby appropriated to be paid out of any money in the Treasury of the United States not otherwise appropriated.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
Vice-President of the United States, and
President of the Senate.

APPROVED—May 13, 1826. [36]
JOHN QUINCY ADAMS.

AN ACT making further appropriation for compensation and mileage to the members of the Senate and House of Representatives.

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 and fifty thousand dollars be, and the same is hereby, appropriated, for the compensation and mileage, granted by law to the members of the Senate and House of Representatives, and Delegates of Territories; and that the same be paid out of any money in the Treasury, not otherwise appropriated.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
Vice-President of the United States, and
President of the Senate.

APPROVED—May 13, 1826. [37]
JOHN QUINCY ADAMS.

AN ACT further to amend the Charter of the Town of Alexandria.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That tenements and lots of ground within the town of Alexandria, on which taxes, assessments, or charges, remain due and unpaid to the Common Council of the said town, for the space of two years, or shall hereafter remain due and unpaid, for that space of time, or so much of said lots as may be necessary, may be sold at public auction, for the payment of the taxes, assessments, or charges, which are, or shall be due thereon, with the expenses attending the sale: *Provided,* That, before any such sale be made, an affidavit of the Collector of the District or Ward, in which such lots lie, stating that no goods or chattels of the person or persons charged with the payment of such taxes, assessments, or charges, sufficient to satisfy the same, can be found within the corporation, shall be lodged with the Clerk of the Common Council: *And provided,* That public notice of the time and place of such sale, shall be given, by advertising in some newspaper published in the town of Alexandria, for at least six months, where the property is assessed to persons residing out of the United States; three months where the property is assessed to persons residing within the United States, but without the District of Columbia: and six weeks, when the property is assessed to persons residing within the District of Columbia; in which notice shall be stated, the street or streets, on which lots lie, the streets by which the square in which they lie is bounded, the name of the person or persons to whom they have been last assessed, on the books of the Assessors, and the amount of the taxes, assessments, or charges, due thereon: *And provided further,* That the purchaser or purchasers shall not be obliged to pay at the time of such sale, more than the taxes, assessments, or charges due, and the expenses of sale; and that, if, within two years from the day of sale, the proprietor or proprietors of such lot, his, her, or their heirs, representatives or agents, shall repay to such purchaser, or to the Mayor, the money paid for such taxes, assessments, or charges and expenses, as aforesaid, with ten per centum per annum, as interest thereon, or make a tender of the same, he or she shall be reinstated in his, her, or their original title, but if no such tender be made, within two years next after such sale, then the purchaser shall pay the balance of the purchase money of such lot or lots, into the Treasury of the Common Council, where it shall remain, subject to the order of the proprietor or proprietors, or his or their legal representatives; and the purchaser, on the payment of the whole amount of the purchase money, shall receive a title to the said lot or lots, in fee simple, from the Mayor, under his hand, and the seal of his office, which shall be deemed good and valid in law and equity.

Sec. 2. And be it farther enacted, That the Common Council of Alexandria shall have power to provide for the establishment, maintenance, and superintendence of public schools, and for the registering of births, marriages, and deaths, and shall have power to preserve the navigation of the Potomac river, within their jurisdiction; to erect, repair, and regulate public wharves, deepen docks and basins, and to limit the extension of private wharves, into the harbour; to authorize, with the approbation of the President of the United States, the drawing of lotteries, for effecting any important improvement in and to the town, which the ordinary funds and revenue thereof will not accomplish; to restrain and prohibit the drawing of other lotteries, the keeping of tippling houses, and all kinds of gaming; to provide for the licensing, taxing and regulating auctions; theatrical, and public shows and amusements, and venders of lottery tickets; to appoint gaugers of casks, inspectors of domestic spirits, measurers and inspectors of wood, lumber, and bark, grain, coal, beef, pork, fish, butter, and lard; weighers of hay, fodder, and straw; and to regulate, by law, the inspection, measurement, and weighing of the articles aforesaid, to regulate party and other walls and fences, and to determine by whom they shall be kept in repair; to direct in what part of the town buildings of wood shall not be erected, and to regulate the size of bricks to be made or used; and shall have power to restrain and prohibit the nightly, and other disorderly meetings of slaves, free negroes and mulattoes, and to punish such slaves, by whipping, not exceeding forty stripes, or, at the option of the owner of such slave by fine or confinement to labor, not exceeding three months for every one offence; and to punish such free negroes and mulattoes for such offences, by fixed penalties, not exceeding twenty dollars for one offence; and in case of the failure of such free negro and mulatto to pay and satisfy such penalty and costs, to cause such free negro and mulatto to be confined to labor for any time, not exceeding six months for any one offence; to cause and provide for the removal of all such paupers, vagrants, and other persons, as may not be legally entitled to residence within the said corporation: to punish, by fine or penalty, any minor or apprentice, guilty of any breach of any law of the corporation, and unless such fine or penalty, with the costs of prosecution, be paid by the parent, guardian, or master of such minor or apprentice, by confinement to labor for a limited time, not exceeding three months for any one offence.

Sec. 3 And be it further enacted, That the said common Council shall have power to subscribe to the stock of the turnpike road, which is authorized to be made by an act of the General Assembly of Virginia, passed the fourteenth day of February, one thousand eight hundred and eighteen, entitled "An act incorporating a company to establish a turnpike road from Wiley's Tavern, in the county of Fairfax, to a point of intersection on the Little River Turnpike road, or on the line of the District of Columbia," and to any turnpike road, or other public improvement, which has been, or may be authorized by an act of Congress, leading to the town of Alexandra; and the said Common Council may lay any tax on the property in said town, to promote any public improvement for the benefit of the said town, when, in the opinion of the said common Council, it may be inexpedient, which said taxes may be collected as all other taxes are or may be directed to be collected.

Sec. 4. And be it further enacted, That so much of an act, passed the twenty-sixth of May, eighteen hundred and twenty-four, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the fifteenth of May, one thousand eight hundred and twenty, and for other purposes" as relates to the town of Alexandria, be, and the same is hereby repealed.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
Vice-President of the United States, and
President of the Senate.

APPROVED—May 13, 1826. [38]
JOHN QUINCY ADAMS.

Laws of Maryland.

[BY AUTHORITY.]

IN COUNCIL,

ANNAPOLIS, April 21st, 1826.

ORDERED, That the several Acts of assembly, proposing alterations in, or amendments to the constitution, which were passed at December session last; and also the act entitled, "An act to provide for the public instruction of youth in primary schools throughout this state," be published once a week for four weeks, in the Maryland Republican, and Maryland Gazette, Annapolis; The Patriot, American, Gazette, and Chronicle, Baltimore; Political Examiner, Frederick Town; Maryland Herald, and Torch Light, Hagerstown; Maryland Advocate, Cumberland; True American, Rockville; Elkton Press; Chestertown Telegraph, and Centreville Times; Star, and Gazette, Easton; and Cambridge Chronicle, Bond of Union, Harford county. By Order,

THO. CULBRETH, Clerk.

AN ACT

To amend the Constitution and form of government, as it relates to the division of Somerset county into election districts.

Whereas, it has been represented to this general assembly, that a numerous class of voters on the North side of Wicomico creek, and also in the neighborhoods of Dublin and Cokesbury, on the eastern borders of the middle district of Somerset county, by reason of their remote location from the place of holding elections, are virtually deprived of the privilege of voting, which according to the spirit of the constitution, is designed to be extended to every free white male citizen of this state, and is intended to be secured by the bill of rights; for remedy whereof,

Sec. 1. Be it enacted by the General Assembly of Maryland, That the election district in Somerset county, lately called and known as number two, or the middle district, shall be further subdivided, and that two additional election districts shall be established therein; one of which shall be made convenient to the voters on the north side of Wycomico creek, and the other shall be at or near Dublin or Cokesbury, on the eastern borders of the said district.

2. And be it enacted, That in case this act shall be confirmed as required by the constitution, and form of government, the levy court of Somerset county shall be, and they are hereby required to appoint three commissioners, who, or a majority of them, shall proceed to subdivide the said district, and to select and appoint suitable places for holding elections on the north side of Wycomico creek, and in the neighborhoods of Dublin and Cokesbury, as aforesaid, having due regard to population, extent of territory, and the convenience of voters

3, And be it enacted, That the commissioners who shall be appointed by the levy court in virtue of this act, shall meet at the town of Princess Anne, on the first Monday of May next, succeeding the confirmation of this act, as required by the constitution and form of government, or within ten days thereafter, for the purpose of carrying into effect the provisions of this act; and the said commissioners may adjourn from time to time, and from place to place, until they shall have performed and completed the several duties required of them by this act; and the said commissioners shall be, and they hereby are required on or before the first day of July next, after their meeting as aforesaid, to make out and deliver to the clerk of the county aforesaid, a plain and accurate description in writing, of the limits, boundaries and designation of each district so created and laid off, certified under their hands and seals, and the said clerk shall make a fair record thereof amongst the records of the county aforesaid.

4. And be it enacted, That the said commissioners be, and they hereby are authorised and required to adjust and limit the quantum of compensation, to be allowed to the proprietor or proprietors of the place of holding elections in each of the said election districts, if any compensation shall be required by the said proprietor or proprietors, and the same to certify as aforesaid.

5. And be it enacted, That for the performance of the duties required of the said commissioners by this act, and for the places of holding elections, if any compensation shall be claimed, the levy court shall make allowance and the same shall levy upon the county, to be collected and paid as other county charges are collected and paid: *Provided,* that the said commissioners shall not receive a sum exceeding two dollars each per diem, for each and every day they may severally be engaged in the proper duties of this act.

6. And be it enacted, That after the confirmation of this act, the levy court of Somerset county, shall, according to the provisions of the act of eighteen hundred and five, chapter ninety seven, appoint three persons in each of the said districts, residents therein, who, or such of them as shall attend, shall be the judge or judges elections for the district for which he or they shall have been appointed as aforesaid, and the the judges so appointed, shall have hold and exercise the same powers and authorities, and be subject to the same penalties, and be entitled to the same pay as the judges of elections in Somerset county now exercise and are entitled and subject to: Provided, That the compensation to be allowed for the services of the said judges and of the clerks by them to be appointed, shall not exceed two dollars per diem, which compensation shall be levied and paid as aforesaid.

7. And be it enacted, That all laws now in force, not inconsistent with this act, shall be, and remain, in force; and all provisions repugnant to this act shall be, and the same are declared to be repealed, upon the confirmation of this act.

8. And be it enacted, That if this act shall be confirmed by the next general assemby, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs; in such case, this act and the alterations in the said constitution contained therein, shall be considered as a part and constitute, and be valid as a part of the said constitution and form of government, to all intents and purposes, and every matter and thing in the said constitution and form of government in any wise conflicting with or contrary thereto, shall be and the same is hereby repealed, abrogated and annulled,

By the House of Delegates 11th day of February 1826.—read and assented to.

By order,
JOHN BREWER, Cl'k.

By the Senate, 13th day of February, 1826—read and assented to.

WM. KILTY, Clk.
JOSEPH KENT,
[L. S.] Governor.

An act to alter and amend the constitution of this state, so that the Governor may be elected by the people, and to abolish the council.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the executive power of this state shall be vested in a governor as hereinafter provided for.

2. And be it enacted, That the governor shall be chosen alternately from the Western and Eastern shores, by the citizens of the state, having the right to vote for delegates to the general assembly, in the counties where they severally reside, at the time and places where they shall vote for delegates aforesaid, and the votes shall be received and counted by the same judges, and in the same manner as the votes for delegates; the presiding judges of elections in each county, shall make a list of all the persons voted for as governor in their respective counties, and of the number of votes given for each, which list they shall sign and certify, and transmit, sealed, to the seat of the government, directed to the president of the senate, who shall upon the first Monday after the meeting of the general assembly, in the presence of a majority of the members of each branch, open all the certificates and the votes shall then be counted and the person having a majority of all the votes given, shall be the governor, and the president of the senate shall forthwith announce the same; but if no person shall have a majority of all the votes given, no choice or election shall be considered as having been made, and the said president shall announce the number of votes given to each person voted for, and thereupon a governor shall be elected forthwith by joint ballot of both branches of the legislature, from among the candidates voted for by the people, who shall appear by the said returns to have had the two greatest number of votes, and should neither of the persons so voted for, have a majority of all votes on the joint ballot aforesaid, the ballot shall be renewed and continued until some one of them shall receive such majority; contested elections of governor shall be determined by both branches of the legislature, in such manner as shall be prescribed by law.

3. And be it enacted, That the governor shall hold his office, during the term of three years from the time appointed for the annual meeting of the legislature next ensuing his election, and until another governor shall be elected and qualified, but he shall not be eligible as governor, for the three next succeeding years after the expiration of the time for which he shall have been elected.

4. And be it enacted, That the governor shall be at least thirty years of age, and have been fourteen years a citizen of the United States, and a resident of this state ten years next preceeding his election, unless he shall have been absent on the public business of this state or of the United States.

5. And be it enacted, That the governor shall be removed from office on impeachment for, and conviction of treason, bribery or other high crimes and misdemeanor or any misdemeanors in office, but judgment in such case shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit in this state, he shall nevertheless, whether convicted or acquitted, be liable to indictment, trial, judgment, and punishment according to law.

6. And be it enacted, That the house of delegates shall have the sole power of impeaching the governor, but two thirds of all the members shall concur in such impeachment.

7. And be it enacted, That the impeachment of the governor shall be tried by the senate, and when sitting for that purpose the senators shall be, upon oath or affirmation to do justice according to the evidence; the party accused shall not be convicted without the concurrence of two thirds of all the senators.

8. And be it enacted, That the governor shall have his permanent residence at the seat of government, and shall at stated times receive for his services an adequate salary to be fixed by law, which shall neither be increased nor diminished during the period for which he shall have been elected.

9. And be it enacted, That there shall be a secretary of state, appointed by the governor, to hold his office during the pleasure of the governor, who shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the legislature or either branch thereof, and shall perform such other duties as shall be enjoined on him by law, and shall receive such salary or compensation for his services as may be provided by the legislature.

10. And be it enacted, That in case of the removal, death, resignation or inability of the governor to discharge the duties and powers of said office, the same shall devolve upon the president of the senate, until another governor shall be elected and qualified as is hereinafter provided for, and in case of the removal, death, resignation or inability of both governor and president of the senate, the legislature may provide by law what officer shall act as governor, until another be elected and qualified, or the disability removed.

11. And be it enacted, that in case of the removal of the governor from office, or of his death, resignation, or disqualification, his successor shall be elected at the first election for delegates to the general assembly, which shall take place thereafter, and his term of service shall be the same as if no vacancy had occurred.

12 And be it enacted, that the first election for governor shall be held at the time of the election of delegates for the general assembly next ensuing the ratification and confirmation of this act.

13. And be it enacted, That all the powers and authorities at present exercised by the executive of this state, shall be, and hereby are vested in the governor, except the appointment of chancellor, judges of the courts of common law, attorney general, general, field and general staff officers, who shall be nominated by the governor and approved of by the senate.

14. And be it enacted, That the governor, appointed by virtue of this act, or the person authorised to act in his place, shall take the same oaths of office as are now directed to be taken by the governor of this state.

15. And be it enacted, That all and every part of the constitution and form of government of this state, which relates to the election of the governor and to the election of the council to the governor, that is in any manner repugnant to or inconsistent with the provisions of this act, be, and the same is hereby repealed upon the confirmation hereof.

16. And be it enacted, That if this act shall be confirmed by the general assembly of Maryland, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act and the alterations and amendments of the constitution and form of government herein contained, shall be taken and considered, and shall constitute and be valid as a part of the said constitution and form of government to all intents and purposes, any thing in said constitution and form of government to the contrary notwithstanding.

By the House of delegates, 17th day of February, 1826—read and assented to. By order,
JOHN BREWER, Clk.

By the Senate, 1st day of March, 1826—read and assented to. By order,
WM. KILTY, Clk,
JOSEPH KENT,
[L. S.] Governor.

MADRID, April 8.

Since the Emperor of Morocco no longer pays the Arabs for lighting large fires on the mountains, to attract and destroy the winged locusts, which, crossing the mountains of Fez and Mequinenza, pass over into Spain, clouds of those insects come every year, and ravage our fields; those of Andalusia are covered with them, and it is much feared that harvest will be null—they already begin to show themselves in the vicinity of this capital.

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