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## THE WESTERN SUN.

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## BY AUTHORITY.]

Laws of the Union.

14th Congress, 2nd Session.

**AN ACT** making reservation of certain public lands to supply timber for naval purposes.

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 authorised, and it shall be his duty under the direction of the President of the U States, to cause such vacant and unappropriated lands of the United States as produce the live oak and red cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of the said timbers, as in his judgment may be necessary to furnish for the navy a sufficient supply of the said timbers. The said Secretary shall have power to employ such agent or agents and surveyor as he may deem necessary for the aforesaid purpose, who shall report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water courses; which report shall be laid before the President, which he may approve or reject in whole or in part; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of public lands, and be appropriated to the sole purpose of supplying timber for the navy of the U States: *Provided* That nothing in this section contained shall be construed to prejudice the rights of any person or persons claiming lands which may be reserved as aforesaid.

Sec. 2. *And be it further enacted*, That if any person or persons shall cut any timber on the lands reserved as aforesaid or shall remove or be employed in removing timber from the same, unless duly authorised so to do, by order of a competent officer, and for the use of the Navy of the United States; or if any person or persons shall cut any live-oak or red cedar timber on, or remove or be employed in removing from any other public lands of United States with intent to dispose of the same for transportation to any port or place within the U States or for exportation to any foreign country, such person or persons so offending and being thereof duly convicted before any court having competent jurisdiction, shall pay a fine not exceeding five hundred dollars and be imprisoned not exceeding six months.

Sec. 3. *And be it further enacted*, That if the master, owner or consignee, of any ship or vessel, shall knowingly take on board any timber cut on lands reserved as aforesaid, without proper authority and for the use of the navy, or shall take on board any live oak or red cedar timber, cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the ship or vessel on board of which the same shall be seized, shall, with her tackle, apparel, and furniture be wholly forfeited.

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 a 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 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."

H. CLAY,

*Speaker of the House of Representatives.*

JOHN GAILLARD,

*President of the Senate, pro tempore.*

March 1, 1817—APPROVED,

JAMES MADISON.

**AN ACT** more effectually to preserve the neutral relations of the U States.

BE it enacted by the Senate and house of Representatives of the United States of America in Congress assembled, That if any person shall within the limits of the U States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming of any such ship or vessel with intent that such ship shall be employed in the service of any foreign prince or state, or of any colony, district or people, to cruise or commit hostilities, or to aid or co-operate in any warlike measure whatever against the subjects, citizens or property of any prince or state, or of any colony, district or people with whom the United States are at peace, every such person so offending shall, upon conviction be adjudged guilty of a high misdemeanor, and shall be punished and imprisoned at the discretion of the court in which the conviction shall be had, so as the fine to be imposed, shall in no case be more than ten thousand dollars, and the term of imprisonment shall not exceed ten years; and every such ship or vessel, with her tackle, apparel and furniture, together with all materials, arms, ammunition and stores which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of any person who shall give information, and the other half to the use of the United States.

Sec. 2. *And be it further enacted*, That the owners of all armed ships sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners, in cruising or committing hostilities or in aiding or co-operating in any warlike measure against the subjects, citizens or property of any prince or state, or of any colony, district, or people with whom the United States are at peace.

Sec. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby respectively authorized and required to detain any vessel manifestly built for warlike purposes and about to depart from the United States of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens or property of any prince or state or of any colony, district or people, with whom the United States are at peace until the decision of the President be had thereupon, or until the owner enters into bond, and sureties to the United States prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner or owners, in cruising or committing hostilities, or in aiding or co-operating in any warlike measure

against the subjects, citizens or property of any prince or state, or of any colony, district or people, with whom the United States are at peace.

Sec. 4. *And be it further enacted*, That if any person shall within the territory or jurisdiction of the U States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing, or augmenting the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the United States, was a ship of war, cruiser, or armed vessel, in the service of a foreign prince, or state, or of any colony, district or people, or belonging to the subjects or citizens of any such prince, state, colony, district or people, the same being at war with any foreign prince or state, with whom the United States are at peace, by adding to the number or size of the guns of such vessels prepared for use, or by the addition thereto of any equipment, solely applicable to war, every such person so offending shall upon conviction be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so that such fines shall not exceed one thousand dollars, nor the term of imprisonment to be more than one year.

Sec. 5. *And be it further enacted*, That this act shall continue in force for the term of two years.

H. CLAY,

*Speaker of the House of Representatives.*

JOHN GAILLARD,

*President of the Senate, pro tempore.*

March 3, 1817—APPROVED.

JAMES MADISON.

**AN ACT** to establish a separate territorial government for the eastern part of the Mississippi territory.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the Mississippi territory which lies within the following boundaries to wit: Beginning at the point where the line of the thirty-first degree of north latitude intersects the Perdido river, thence east to the western boundary line of the state of Georgia, thence along said line to the southern boundary line to the state of Tennessee, thence west along 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 Washington county, thence due south to the Gulf of Mexico, thence eastwardly, including all the islands within six leagues of the shore, to the Perdido river, and thence up the same to the beginning, shall, for the purpose of a temporary government, constitute a separate territory, and be called "Alabama."

Sec. 2. *And be it further enacted*, That all offices which may exist, and all laws which may be in force, in said territory, within the boundaries above described, at the time this act shall go into effect, shall continue to exist and be in force, until otherwise provided by law. And the President of the United States shall have power to appoint a Governor and Secretary for the said Alabama territory, who shall respectively exercise the same power, perform the same duties, and receive for their services the same compensation, as are provided for the Governor and Secretary of the Mississippi territory: *Provided*, that the appointment of said Governor and Secretary, shall be submitted to the Senate for their advice and consent, at the next session of Congress.

Sec. 3. *And be it further enacted*, That there shall be appointed an additional Judge of the Mississippi territory, who shall reside in the eastern part thereof, and receive the same compensation as the other Judges, and that the Judge appointed by virtue of an act passed the twenty-seventh day of March, one thousand eight hundred and four, for the appointment of an additional Judge for the Mississippi territory, together with the Judge appointed for Madison county, and the Judge to be appointed by virtue of this act, shall possess and exercise exclusive original jurisdiction in the superior Courts of Washington, Baldwin, Clarke, Monroe, Montgomery, Wayne, Green, Monroe, Montgomery, Jackson, Mobile, Madison, and of such new coun-

ties as may be formed out of them, and shall arrange the same among themselves, from time to time: *Provided*, That no Judge shall sit more than twice in succession in the same court, and that the other Judges of the Mississippi territory shall exercise, as heretofore authorized by an act of Congress, or of the territorial legislature, exclusive jurisdiction in the Superior Courts of the other counties. That a general court, to be composed of the Judge appointed by virtue of the act of twenty seventh March, one thousand eight hundred and four, the Judge to be appointed by virtue of this act, or any two of them, shall be holden at St. Stephens, commencing on the first Mondays of January and July, annually, who shall have the same power of issuing writs of error to the Superior Courts of the counties mentioned in this section, or which shall hereafter be formed in the eastern division of the territory, which was given by the act for the appointment of an additional Judge, passed the year one thousand eight hundred and four, to the Superior Court of Adams District, and which shall possess exclusively of the courts of the several counties, the federal jurisdiction given to the Superior Courts of the territories, by an act passed the third day of March, one thousand eight hundred and five, entitled "An act to extend jurisdiction in certain cases, to the territorial courts."

Sec. 4. *And be it further enacted*, That the Governor to be appointed under the authority of this act, shall, immediately after entering into office convene, at the town of St. Stephens, such of the members of the Legislative Council and House of Representatives of the Mississippi territory, as may then be the Representatives for the aforesaid Alabama territory, whose powers, in relation to the said territory, shall be, until the expiration of the term for which they shall have been chosen, or until Congress shall otherwise provide, the same in all respects as are now possessed by the Legislative Council and House of Representatives of the Mississippi territory; and the said Legislative Council and House of Representatives of the Alabama territory, so formed, shall have power to nominate six persons to the President of the United States, three of whom shall be selected by him for members of the Legislative Council, in addition to the number which the said territory may possess agreeably to the foregoing provisions of this section. The said Legislative Council and House of Representatives shall also have power to elect a delegate to Congress, who shall in all respects possess the same rights and immunities as other delegates from territories of the United States.

Sec. 5. *And be it further enacted*, That this act shall commence and be in force so soon as the convention, the appointment whereof has been authorized by Congress at their present session, shall have formed a constitution and state government for that part of the Mississippi territory lying west of the territory herein described, of which act of convention the Governor of the Mississippi, for the time being, shall give immediate notice to the President of the United States, who shall thereupon forthwith proceed to the execution of the powers vested in him by the second section of this act; but in case said convention shall fail to form a constitution and state government as aforesaid, then this act shall become null and void, except so far as relates to the third section thereof, which shall take effect, and be in force from and after the passage of this act.

Sec. 6. *And be it further enacted*, That all persons who shall be in office within the territory hereby established, when the said convention shall have formed a constitution and state government, as aforesaid, shall continue to hold and exercise their offices, in all respects as if this act had never been made; and the Governor and Secretary of the Mississippi territory, for the time being, shall continue to exercise the duties of their respective offices, in relation to the territory hereby established, until a Governor and Secretary shall be appointed therefor, in pursuance of this act.

Sec. 7. *And be it further enacted*, That all judicial process in the said ter-