furniture, conditioned that such arms and ammunition shall not be used for any unlawful purposes, but merely for resistance and defence, in case of involuntary hostility; and that the guns, arms and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any port or place in the West Indies; which bond may be sued for, and recovered with costs of suit, in the name, and for the use of the United States, in any court competent to try the same.

Sec. 2. *And be it further enacted,* That no armed merchant vessel or vessel prepared for armament, owned as aforesaid, shall receive a clearance, or be permitted to depart from any port in the United States for any port or place, other than those described in the first section of this act, unless the owner or owners, agent or agents, and the commander of such vessel shall make oath that such vessel is not bound, or intended to proceed to any island in the West Indies, or any port or place on the continent between Cayenne, and the southern boundary of Louisiana, nor on the continent of America between Cayenne and the southern boundary of Louisiana, and also unless a bond be given by the owner or owners, agent or agents, and commander, in a sum equal to double the value of such vessel, her arms, tackle, apparel and furniture to the use of the United States, conditioned that such vessel shall not proceed to any Island in the West Indies, or port on the continent as aforesaid, unless compelled thereto by unavoidable accident; and if so compelled, that no part of the cargo of such vessel shall be sold except so much thereof as may be absolutely necessary to defray the expences necessary to enable such vessel to proceed on her intended voyage.

Sec. 3. *And be it further enacted,* That if any armed vessel, as aforesaid, shall proceed to sea without a clearance contrary to the provision of this act, such vessel with her arms, ammunition tackle, apparel, and furniture, shall be forfeited to the use of the United States, and be liable to be seized, prosecuted and condemned; or the value thereof may be sued for, and recovered with costs of suit, of the owner or owners of such vessel, in any court of competent jurisdiction: and the collector within whose district such forfeiture shall accrue, is hereby enjoined to cause prosecutions for the same to be commenced without delay and prosecuted to effect.

Sec. 4. *And be it further enacted,* That this act shall be in force until the end of the next session of Congress, and no longer.

NATH. MACON,
Speaker of the House of Representatives,
JOS. ANDERSON, *President of the Senate,* pro tempore.
March 3, 1805—Approved,
TH: JEFFERSON.

An act supplementary to the act, intituled "An act making provision for the disposal of the public lands in the Indiana territory; 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 lands lately purchased from the Indian tribes of the Wabash, and lying between the rivers Wabash and Ohio, and the road leading from the falls of the river Ohio to Vincennes, shall be attached to, and made a part of the district of Vincennes, and be offered for sale at that place under the same regulations, at the same price, and on the same terms as other lands lying within the said district.

Sec. 2. *And be it further enacted,* That such & so many of the tracts of land lying north and west of the Indian boundary established by the treaty of Greenville, which were ceded by that treaty to the United States, as the President of the United States shall direct, shall be surveyed and subdivided in the same manner as the other public lands of the United States, and shall be offered for sale at Detroit, or at such of the other land offices established by law in the state of Ohio, or in the Indiana territory, as the President of the United States shall judge most expedient, under the same regulations, at the same price and on the same terms as other lands lying within the same district.

Sec. 3. *And be it further enacted,* That so much of the tract of land lately purchased from the Indian tribes known by the name of Sacs and Foxes, as the President of the United States shall think expedient and shall direct, shall be attached to, and made a part of the district of Kaskaskias, and shall be offered for sale at that place, under the same regulations, at the same price and on the same terms, as other lands lying within the said district.

Sec. 4. *And be it further enacted,* That the lands lying within the districts of Vincennes, Kaskaskias and Detroit, which are claimed by virtue of French or British grants, legally and fully executed, or by virtue of grants issued under the authority of any former act of Congress, by either of the governors of the North West or Indiana territories, and which had already been surveyed by a person authorised to execute such surveys, shall, whenever it shall be found necessary to re-survey the same, for the purpose of ascertaining the adjacent vacant lands, be surveyed at the expence of the United States; any act to the contrary notwithstanding.

Sec. 5. *And be it further enacted,* That persons claiming lands in either of the said three districts, either under legal grants derived from the French or British governments, or by virtue of actual possession and improvement, or for any other account whatever, may until the first day of November next, give notice in writing to the register of the land office of their claims, and have the evidence of the same recorded, in the manner and on payment of the fees provided by the act to which this act is a supplement; and the right of any person neglecting to give such notice in writing of his claim, and to have the evidence of the same recorded, shall become void and forever be barred.

The commissioners appointed for the purpose of examining the claims of persons claiming lands in the said three districts, shall in their respective districts, have the same powers, and perform the same duties in relation to the claims thus filed, as if notice of the same had been given before the first day of January last; and as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall be the duty likewise of the clerk of each board to prepare two transcripts of all the decisions made by the said commissioners in favor of the claimants, and to transmit one to the surveyor general and one to the secretary of the treasury. It shall also, be the duty of the said commissioners, respectively, to make to the secretary of the treasury a report of all the claims filed with the register of the land office, which they may have rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper; and they shall in relation to any such rejected claims which were founded on possession and actual settlement and improvement, particularly state the date of the improvement, and the quantity, situation and boundaries of the land claimed. These reports, together with the transcripts of the decisions of the commissioners in favor of claimants, shall be laid by the secretary of the treasury before Congress at their next session: and the lands, the claims to which shall have been affirmed by the commissioners, as well as those the claims to which, though rejected by the commissioners, were derived from actual possession, improvement and settlement, shall not be otherwise disposed of until the decision of Congress thereupon shall have been made. Each of the said commissioners and each of the clerks of the respective boards, shall be allowed an additional compensation of five hundred dollars, in full for his services as such in relation to such claims; and each of the registers of the land offices for the said three districts shall be allowed a further sum of five hundred dollars as a compensation in full for translating and recording, or causing to be translated and recorded, grants, deeds, or other evidences of claims in the French language.

Sec. 6. *And be it further enacted,* That the governor of the Michigan territory shall act as one of the superintendants of the sales of public lands at Detroit, in lieu of the governor of the Indiana territory.

Sec. 7. *And be it further enacted,* That all the sections heretofore reserved for the future disposition of Congress, and lying within either of the districts established for the disposal of public lands in the state of Ohio, with the exception of the section No. 16, of the Salt Springs and lands reserved for the use of the same, and of the other sections or tracts of land otherwise heretofore specially appropriated, shall be offered for sale in that district within which such reserved sections may lie, on the same terms and under the same regulations, as other lands in the same district: *Provided,* That such sections shall previously be offered to the highest bidder at public sales, to be held under the superintendance of the register and receiver of the land offices, respectively, to which they are attached, on the same terms as has been provided for the public sales of the other public lands of the United States, and on such day or days as shall by a public proclamation of the President of the United States be designated for that purpose. *And provided also,* That no such heretofore reserved section shall be sold either at public or private sale for less than eight dollars per acre.

Sec. 8. *And be it further enacted,* That the expences which may be incurred by virtue of this act, shall be defrayed out of the sums which have been or may hereafter be appropriated for defraying the expences incident to the surveying and disposal of the public lands of the United States, in the Mississippi and Indiana territories.

NATHL. MACON,
Speaker of the House of Representatives.
JOS. ANDERSON,
President of the Senate pro tempore.
March 3d, 1805—Approved.
TH: JEFFERSON.

AN ACT

For the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whensoever any treason, felony, misprison of treason, or of felony, misdemeanor, breach of the peace, or of the revenue laws of the United States, shall hereafter be committed within the jurisdiction of the United States, and the case shall be cognizable by, or under their authority, if the person committing the same, shall be on board of any foreign armed vessel, in any port or harbor of the United States, or in the waters within their jurisdiction, it shall be the duty of any judge or justice of any court of the United States, upon satisfactory proof thereof to him made, to issue his warrant specifying the nature of the offence, and directed to a marshal, commanding him to take the body of the offender, and bring him before the said judge or justice, to be dealt with according to law. And if the said marshal shall deem the ordinary posse comitatus insufficient to ensure the execution of the said warrant, he shall apply to the said judge or justice, who shall immediately issue his order, directed to any officer having command of militia, or any officer having command of regular troops, or of armed vessels of the United States, in the vicinity, requiring him to aid the said marshal with all the force under his command, or such part as may be necessary in executing the warrant aforesaid. And the said marshal conforming himself in all things to the instructions which he shall receive from the President of the United States, or from any other person authorised by the President, shall first demand the surrender of the person charged with the offence; and if delivery be not made, or if the marshal be obstructed from making the demand, he shall use all the means in his power by force and arms, to arrest the offender, and all others who are with him, giving him aid and countenance in evading the arrest, and he shall convey the said offender and all others arrested as aforesaid, and deliver them to the civil authority, to be dealt with according to law. If death ensue to the person ordered to be arrested, or to any of those giving him aid and countenance, it shall be justified; but if to the marshal, or to any of those supporting him in the discharge of his duty, the persons engaged in resisting the civil authority shall be punished as in cases of felonious homicide.

Sec. 2. *And be it further enacted,* That whensoever after the passage of this act, any felony, misprison of felony, misdemeanor, or breach of the peace shall be committed within the body of a county in any one of the United States, and any process of law shall be issued under the authority of the state, for the purpose of arresting the offender, if the said offender shall be on board of any foreign armed vessel, in any port or harbor of the United States, and within the jurisdiction of state, in which the offence was committed, it shall be lawful for the governor or other supreme executive officer of the state in which the said offence shall have been committed, upon due proof thereof, and upon his being satisfied that the ordinary posse comitatus is insufficient to ensure the execution of the said process, to issue his order directed to any officer having command of regular troops or armed vessels of the United States in the vicinity, requiring him to aid the officer charged with the execution of the process, with all the force under his command, or such part thereof as may be necessary, in arresting the offender, and all those giving aid and countenance in resisting the civil authority. And if the said offender shall flee to any place beyond the jurisdiction of the state, and within the exclusive jurisdiction of the United States, the officer charged with the execution of the said process, shall be, and he is hereby authorised to pursue the said offender into such place, taking with him, if necessary, the said armed force, and there arrest him, in virtue of the said process. And if the said offender shall flee to and be on board of any foreign armed vessel, being in any place beyond the jurisdiction of the state, and within the exclusive jurisdiction of the United States, the officer charged with the execution of the said process shall first demand the delivery of the said offender, of and from the person or persons having charge and command of the said foreign armed vessel, declaring the authority and cause for which the demand is made; and if the said offender be not delivered according to the said demand, or if the officer charged with the execution of the process be obstructed in attempting to make the demand, then he shall use all the means in his power, by force and arms, to enter on board of the said foreign armed vessel, there to search for and arrest the said offender, and all those who are with him, giving him aid and countenance in preventing and resisting the execution of the said process; and the officer charged with the execution of the said process, shall convey the said offender and deliver him over to the civil authority of the state, to be dealt with according to law: and all those arrested for being concerned in resisting the execution of the process shall be delivered over to the civil authority of the United States, and shall be punished in the same manner as if they had been concerned in knowingly and wilfully obstructing resisting, or opposing any officer of the United States in serving or attempting to serve any warrant or other legal or judicial writ issued under the authority of the United States. But if any of those concerned in making the arrest be killed in a place within the exclusive jurisdiction of the United States, those engaged in resisting the civil authority shall be punished as in cases of felonious homicide, and if the person charged with the offence, or any of those concerned with him in resisting, be killed, in a place under the exclusive jurisdiction of the United States, it shall be justified.

Sec. 3. *And be it further enacted,* That if any commanding officer of militia, of regular troops, or armed vessels of the United States, shall refuse to obey the requisition authorised by this act, he shall forfeit a sum not exceeding five thousand dollars.

Sec. 4. And in order to prevent insults to the authority of the laws, whereby the peace of the United States with foreign nations may be endangered, *Be it further enacted,* That it shall be lawful for the President of the United States either to permit or interdict at pleasure, the entrance of the harbors and waters under the jurisdiction of the United States to all armed vessels belonging to any foreign nation, and by force to repel and move them from the same; except when they shall be forced in by distress, by the dangers of the sea, by being pursued by an enemy, or when charged with dispatches or business from the government to which they belong; in which cases, as well as in all others when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbor or waters, shall take such position therein, as shall be assigned him by such collector, and shall conform himself, his vessel and crew, to such regulations respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States, and not conforming thereto, shall be required to depart from the United States.

Sec. 5. *And be it further enacted,* That whensoever any armed vessel of a foreign nation, entering the harbors or waters within the jurisdiction of the United States and required to depart therefrom, shall fail so to do, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces of the United States, or the militia thereof, as he shall deem necessary to compel the said armed vessel to depart; or if he shall think it proper, it shall be lawful for him to forbid by proclamation, all intercourse with such vessel, and with every armed vessel of the same nation, and the officers and crew thereof; to prohibit all supplies and aid from being furnished them, and also to instruct the collector of the district, where such armed vessel shall be, and of any and of every other district of the United States, to refuse permission to any vessel belonging to the same nation, or to its citizens or subjects, to make entry or unlade, so long as the said armed vessel shall remain in the harbors or waters of the United States, in defiance of the public authority. And if after the publication of said proclamation, and due notice thereof, any person shall afford any aid to such armed vessel, or to any other, contrary to the prohibition contained in the said proclamation, either in repairing the said vessel, or in furnishing her, her officers or crew with supplies of any kind or in any manner whatsoever, or if any pilot shall assist in navigating the said armed vessel, or any other, contrary to the prohibition contained in the said proclamation, unless it be for the purpose of carrying the armed vessel required to depart, as aforesaid, beyond the limits, and jurisdiction of the United States, the person or persons so offending, shall forfeit and pay a sum not exceeding one thousand dollars, and shall also be liable to be bound to their good behavior.

Sec. 6. *And be it further enacted,* That whensoever any officer of an armed vessel commissioned by any foreign power, shall on the high seas commit any trespass or tort, or any spoliation on board any vessel of the United States, or any unlawful interruption or vexation of trading vessels actually coming to or going from the United States, it shall be lawful for the President of the United States, on satisfactory proof of the facts, by proclamation to interdict the entrance of the said officer, and of any armed vessel by him commanded within the limits of the United States, and if at any time after such proclamation made, he shall be found within the limits of the United States he shall be liable therefor to be arrested, indicted and punished by fine and imprisonment, in any court in the United States having competent jurisdiction, and it shall be a part of the sentence that he shall within such time after the payment of his fine and the expiration of his term of imprisonment, as the court shall direct, leave the United States never to return. And if he shall return within the limits of the United States after the passing of such sentence or be found therein after the period limited by the court as aforesaid, he shall again be liable to be indicted, fined and imprisoned at the discretion of the court: *Provided always,* That if the said officer shall also have committed any other offence made punishable by this act, he shall be liable to prosecution and punishment; the provisions of this section to the contrary notwithstanding.

Sec. 7. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorised and required to give, as soon as may be, after the passage of this act, to the collectors of the respective districts, and to such other persons as he may think proper, the necessary instructions for carrying this act into effect, particularly marking out the line of conduct, to be observed by the marshal, and the several collectors in performing the duties enjoined by this act.

Sec. 8. *And be it further enacted,* That if any person shall be sued for any thing done in pursuance of, or in obedience to this act, he may plead the general issue, and give this act in evidence, any law, custom or usage, to the contrary, notwithstanding.

Sec. 9. *And be it further enacted,* That this act shall continue in force, for the term of two years, and from thence, to the end of the next Session of Congress, and no longer.

NATHL. MACON,
Speaker of the House of Representatives.
JOS: ANDERSON, *President of the Senate,* pro tempore.
March 3, 1805.
Approved,
TH: JEFFERSON.

FOR SALE.

ON the 2d of April next, A. M. By virtue of a deed of trust dated 30th day of November 1804—will be sold at public sale, on the premises, all the right and title of Wm. M'Dono in a two story Brick House (nearly finished) and Lot, situated near the war office, in sq. no. 168, in the city of Washington, and nearly opposite the house occupied by Gabriel Duval, Esq For the terms and further particulars enquire of

THOS. W. PAIRO.

At the store at the 7 buildings.
March 11 - 3t w

LOST.

A POCKET BOOK, on Saturday last, in Pennsylvania avenue, with bank notes and valuable papers, whoever will bring the same to Mr. Harrison Smith, Printer, shall be handsomely rewarded.

March 11—tf

BY THE PRESIDENT OF THE UNITED STATES.

WHEREAS by the first article of the terms and conditions declared by the President of the United States on the 17th day of October, 1791, for regulating the materials and manner of buildings and improvements on the Lots in the City of Washington, it is provided "that the outer and party walls of all houses in the said city shall be built of brick or stone." And by the third article of the same terms and conditions it is declared "that the wall of no house shall be higher than forty feet to the roof in any part of the city, nor shall any be lower than thirty five feet on any of the Avenues." And whereas the above recited articles were found to impede the settlement in the city, of mechanics and others, whose circumstances did not admit of erecting houses authorised by the said regulations, for which cause the operation of the said articles has been suspended by several acts of the President of the United States, from the fifth day of June, in the year 1796, to the first day of January next—and beneficial effects arising from such suspensions having been experienced, it is deemed proper to revive the same with the exception hereafter mentioned.

Wherefore, I THOMAS JEFFERSON, President of the United States, do declare that the first and third articles above recited shall be, and the same are hereby suspended until the first day of January, in the year one thousand eight hundred and six, and that all houses which shall be erected in the said city of Washington previous to the said first day of January, in the year one thousand eight hundred and six, conformable in other respects to the regulations aforesaid, shall be considered as lawfully erected, except that no wooden house covering more than three hundred and twenty square feet, or higher than twelve feet from the sill to the eve shall be erected, nor shall such house be placed within twenty four feet of any brick or stone house.

Given under my hand the twentieth day of December, 1804.

TH: JEFFERSON.

Dec. 24—12wtA