

such company as shall be organized by them, for a canal, and for no other purpose whatever.

SEC. 2. *And be it further enacted*, That if the said territory shall not survey, and direct by law, said canal to be opened, and furnish the commissioner of the general land office a map thereof, within two years from and after the date of this act, or if the said canal be not completed suitably for navigation within five years thereafter, or if said land hereby granted shall ever cease to be used and occupied for the purpose of constructing and keeping in repair a canal suitable for navigation, the reservation and grant aforesaid shall be void and of no effect: *Provided*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed to imply any obligation, on the part of the United States, to appropriate money to defray the expense of surveying or opening said canal: *And provided likewise*, That the said canal when completed by said territory, or by an incorporated company under the authority of the same, shall be, and for ever remain, a public highway for the use of the government of the United States, free from any toll or charge whatever, for any property of the United States, or persons in their service on public business passing through the same.

Condition.

Proviso.

Proviso.

SEC. 3. *And be it further enacted*, That every section of land through which said canal route may pass, shall be, and the same is hereby, reserved from sale under the direction of the government of the United States, until hereafter specially directed by law; and the said territory, or company incorporated by them, are hereby authorized, without waste, to use any materials on the public lands adjacent to said canal that may be necessary to its construction.

Adjacent lands.

SEC. 4. *And be it further enacted*, That the said territory, or any incorporated company under their authority, be, and they are hereby, authorized to open through the public lands of the United States, a canal from Matanzas to Halifax river, in East Florida, upon the same conditions, restrictions and limitations, in every respect, as are prescribed in the foregoing provisions of this act; and the same lands shall be reserved, in like manner, for the objects specified, and for no other.

Other canal route granted.

APPROVED, March 2, 1831.

STATUTE II.

CHAP. LXXXV.—*An Act to authorize the state of Illinois to surrender a township of land granted to said state for a seminary of learning, and to locate other lands in lieu thereof.*

March 2, 1831.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the state of Illinois be, and is hereby, authorized, to relinquish to the United States, township number five, north of range number one west, situate in the county of Fayette, in said state, heretofore granted to the said state for the use of a seminary of learning, and to locate upon the public lands within said state, the sale of which is authorized by law, one entire township of land or a quantity of land equal thereto, in tracts of not less than the quarter of a section.

Land granted may be relinquished and other land located.

APPROVED, March 2, 1831.

STATUTE II.

CHAP. LXXXVI.—*An Act to establish ports of delivery at port Pontchartrain and Delaware city, and for other purposes.*

March 2, 1831.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and hereby is established at port Pontchartrain, on lake Pontchartrain, a port of delivery; that a surveyor shall be appointed to reside at said port: that all ships and

Port Pontchartrain.

vessels bound to said port shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the said port under the rules and regulations prescribed by law.

SEC. 2. *And be it further enacted*, That all vessels about to depart from the said port for foreign ports and places shall be permitted to clear out with their cargoes at the custom-house in the city of New Orleans, and depart under the same rules, regulations and restrictions, and in every respect in the same manner, as vessels clearing out and departing for foreign ports and places from the said city of New Orleans by the way of the Mississippi river; and goods imported into the United States and exported from said port, shall be entitled to the benefit of a drawback of the duties upon exportation to any foreign port or place, under the same provisions, regulations, restrictions and limitations, as if the said goods, wares, and merchandise had been exported directly from New Orleans by way of the Mississippi river.

Delaware city.

SEC. 3. *And be it further enacted*, That Delaware city, in the district of Delaware, shall be a port of delivery; and a surveyor shall be appointed, who shall reside at said city.

St. John's.

SEC. 4. *And be it further enacted*, That a collection district be, and is hereby established in the territory of Florida, which shall include all the ports, harbours, shores and waters of the main land in Florida, and of the islands opposite and nearest thereto, from Saint Mary's to the south side of Saint John's, to be called the Saint John's district, and a port of entry shall be established at such point on the Saint John's river, as the President may direct, and a collector shall be appointed, who shall give the same bond, perform the same duties, and be entitled to the same compensation and fees, as the collectors, in other districts, in Florida.

Prospect.

SEC. 5. *And be it further enacted*, That Prospect, in the district of Belfast, in the state of Maine, shall be a port of delivery: and that a surveyor shall be appointed, who shall reside at that place.

Kennebunk and Middletown.

SEC. 6. *And be it further enacted*, That the ports of Kennebunk, in the state of Maine, and Middletown, in the state of Connecticut, be, and they are hereby made ports of entry for vessels arriving from the Cape of Good Hope, and from places beyond the same.

APPROVED, March 2, 1831.

STATUTE II.

March 2, 1831.

CHAP. LXXXV.—*An Act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio railroad, into and within the District of Columbia.*

WHEREAS it is represented to this present Congress that the Baltimore and Ohio Railroad Company, incorporated by an act of the General Assembly of Maryland, entitled "An act to incorporate the Baltimore and Ohio Railroad Company," passed the twenty-eighth day of February, eighteen hundred and twenty-seven, are desirous, under the powers which they claim to be vested in them by the provisions of the before-recited act, to construct a lateral branch from the said Baltimore and Ohio railroad to the District of Columbia. Therefore,

Authority for lateral road.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Baltimore and Ohio Railroad Company, incorporated by the said act of the General Assembly of Maryland, shall be, and they are hereby, authorized to extend into and within the District of Columbia a lateral railroad, such as the said company shall construct, or cause to be constructed, in a direction towards the said district, in connection with the railroad which they have located, and are constructing, from the city of Baltimore to the Ohio river, in pursuance of their said act of incorporation: And the said Baltimore

Powers, rights, &c.

and Ohio Railroad Company are hereby authorized to exercise the same powers, rights, and privileges, and shall be subject to the same restrictions, in the extension and construction of the said lateral railroad into and within the said district, as they may exercise, or are subject to, under and by virtue of their said charter or act of incorporation, in the extension and construction of any railroad within the state of Maryland, and shall be entitled to the same rights, compensation, benefits, and immunities in the use of the said road, and in regard thereto, as are provided in their said charter, except the right to construct any lateral road or roads within the said district from the said lateral branch or road hereby authorized, it being expressly understood that the said Baltimore and Ohio Railroad Company shall have power only to construct from the said Baltimore and Ohio railroad one lateral road within the said district, to some point or terminus within the city and county of Washington, to be determined in the manner hereinafter mentioned: *Provided, always, and be it enacted*, That before the Baltimore and Ohio Railroad Company aforesaid shall proceed to construct any railroad which they may lay out or locate, on, through, or over any land or improvements, or to use, take for use any earth, stone, or other materials, on any land within the said district, they shall first obtain the assent of the owner of such land, improvements or materials, or, if such owner shall be absent from said district, or shall refuse to give such assent on such terms as the said company shall approve, or, because of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving such assent, then it shall be lawful for the said company to apply to a justice of the peace of the county of Washington, who shall thereupon issue his warrant, under his hand and seal, directed to the marshal of the said district, requiring him to summon a jury of twenty inhabitants of the said district, none of whom shall be interested, or related to any person interested in the land or materials required for the construction of the said railroad, or a stockholder, or related to any stockholder, in the said company, to meet on the land, or near to the other property or materials so required, on a day named in such warrant, not less than three nor more than fifteen days after issuing the same, to proceed to value the damages which the owner or owners of any such land or other property will sustain by the use or occupation of the same, required by the said company; and the proceedings, duty, and authority of the said marshal, in regard to such warrant and jury, and the oath or affirmation to be administered, and inquisition to be made and returned, shall be the same as are directed and authorized in regard to the sheriff, by the fifteenth section of the said act of the General Assembly of the state of Maryland, incorporating the said Baltimore and Ohio Railroad Company; and all the other proceedings in regard to such jury, and the estimating and valuation of damages, and the payment or tender of payment of any damages ascertained by such valuation and effect thereof, and of the view of any lands, or other property, or materials, as to giving the said company a right to use the same for the use or construction of any railroad within the said district, as hereby authorized, shall in every case, and in every respect, be the same as is provided in and by the above-mentioned act of incorporation in regard to the railroads thereby authorized to be constructed by the said company: *Provided, also, and be it enacted*, That whenever the said company, in the construction of a railroad into or within the said district, as authorized by this act, shall find it necessary to cross or intersect any established road, street, or other way, it shall be the duty of the said company so to construct the said railroad across such established road, street, or other way, as not to impede the passage or transportation of persons or property along the same; and, where it shall be necessary to pass the said railroad through the land of any individual within the said district, it shall also be the duty of the said company to provide for such

Restriction.

Proviso: proceedings for appropriation of lands, &c.

Proviso: other roads not to be obstructed.

Wagon ways to be provided.

- individual, proper wagon ways across the said railroad, from one part of his land to the other; but nothing herein contained shall be so construed as to authorize the entry by the said company upon any lot or square, or upon any part of any lot or square, owned by the United States, or by any other body or bodies politic or corporate, or by any individual or individuals, within the limits of the city of Washington, for the purposes aforesaid, of locating or constructing the said road, or of excavating the same, or for the purpose of taking therefrom any material, or for any other purpose or uses whatsoever; but the said company, in passing into the district aforesaid, and constructing the said road within the same, shall enter the city of Washington at such place, and shall pass along such public street or alley, to such point or terminus within the said city, as the said company shall find best calculated to promote the objects of said road: *Provided*, That the level of said road within the said city shall conform to the present graduation of the streets, unless the said corporation shall agree to a different level: *And provided also*, That the said company shall not be permitted to take or terminate the said road west of the west side of seventh street west: *And provided also*, That the said road shall not cross, or interfere with, or infringe on the existing Washington City Canal or the Chesapeake and Ohio Canal, their waters or basins, or any other canal which may hereafter be projected and executed to connect the said Chesapeake and Ohio Canal with the aforesaid Washington City Canal in its whole extent to the eastern branch of the Potomac: *Provided also*, The rate actually charged and received on all that part of said road within the district shall not exceed three cents a ton per mile for toll, and three cents a ton per mile for transportation, except as hereinafter specified, and shall be the same each way: *Provided also*, That the privileges granted by this bill to the aforesaid railroad company shall be upon the condition that the said company shall charge the same rate of toll upon the same articles going east and west between Baltimore and Washington.
- SEC. 2.** *And be it further enacted*, That in addition to the charges authorized by said act of incorporation to be made by the Baltimore and Ohio Railroad Company aforesaid, the said company shall be authorized, within the said district, to make any special contract with any corporation, company or individual, for the exclusive use of any car, or of any part of, or place in, any car, or other carriage, on any railroad constructed by the said company, for a specified time or distance, or both, or for the receipt and delivery, or the transportation of merchandise or other valuable articles, in boxes, parcels, or packages weighing less than one-tenth of a ton, on such terms as may be mutually agreed on between the parties: *Provided*, That the charge for the transportation of merchandise or other valuable articles shall not exceed one cent per mile for any single box, parcel, or package weighing less than fifty pounds, and measuring in size not more than two cubic feet; and for any heavier or larger box, parcel, or package, weighing less than one-tenth of a ton; not more than two cents per mile. And the said company, in all cases where the whole of the merchandise, produce, or other property, transported on their railroad within the said district, at any one time, belonging to the same person, copartnership, or corporation, shall weigh less than a ton, and more than half a ton, shall be entitled to charge and receive, for the transportation thereof, at the same rate per mile as if it weighed a full ton; and if the same shall weigh less than half a ton, the charge per mile may be the same as for half a ton; always estimating a ton weight to be two thousand pounds.
- SEC. 3.** *And be it further enacted*, That the said company are, also, hereby empowered to make such special contract with any duly authorized officer or agent of the United States, for the conveyance of the mail, or the transportation of persons or property for the use of the United States, on any railroad which has been or shall be constructed by the
- City lots, &c.
- Proviso: level.
- Proviso: limit.
- Proviso: Canals protected.
- Proviso: Rate of toll, &c.
- Proviso.
- Contracts for use of cars.
- Proviso: the charges to be restricted.
- Conveyance of mail, &c.

said Baltimore and Ohio Railroad Company, on such terms as shall be approved of by the competent officer or authority; and in all such instances, to receive the compensation so agreed for, according to the terms of each contract.

SEC. 4. *And be it further enacted*, That the said railroad company may charge and receive, for taking up and setting down any passenger or traveller within the district, conveyed a shorter distance than four miles, a sum not exceeding twelve and a half cents.

Passengers.

SEC. 5. *And be it further enacted*, That unless the said company shall commence the said lateral railroad within one year, and complete the same with, at least, one set of tracks, within four years from the passage of this act, then this act, and all the rights and privileges thereby granted, shall cease and determine.

Condition.

SEC. 6. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent the Congress of the United States from granting the same or similar privileges to those hereby granted to any other company or companies, incorporated or to be incorporated by the state of Maryland or Virginia, or by Congress, or from authorizing, by any future law, such additional railroads or roads, in connection with said road, so as to extend the same road, or to construct others connected therewith, to such parts of the district as from time to time may be required by the convenience of those parts of the district into which the said company are now restrained from carrying said road, or from enacting such rules and regulations, prescribing the speed of cars or carriages passing over said road, and other matters relating thereto, necessary for the security of the persons and property of the inhabitants of the district, in such manner as to the present or any future Congress shall seem expedient: *And provided, nevertheless*, That nothing herein contained shall be construed to give any rights or privileges to the said company, beyond the limits of the District of Columbia.

Saving of right to authorize other roads, &c.

Proviso.

SEC. 7. *And be it further enacted*, That if the state of Maryland shall determine to construct a railway between the city of Baltimore and the District of Columbia, or shall incorporate a company for the same purpose, then similar rights, privileges, immunities, and powers, conferred by this act on the Baltimore and Ohio Railroad, be, and the same are hereby, conferred on the state of Maryland, or any company which may be incorporated by it for the same purpose, within one year after the passage of this act.

Same rights, &c. to state of Maryland.

APPROVED, March 2, 1831.

STATUTE II.

CHAP. LXXXVI.—*An Act to ascertain and mark the line between the state of Alabama and the territory of Florida, and the northern boundary of the state of Illinois, and for other purposes.*

March 2, 1831.

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 cause to be run and marked the boundary line between the state of Alabama and the territory of Florida, by the surveyors general of Alabama and Florida, on the thirty-first degree of north latitude; and it shall be the duty of the surveyor general of Florida to connect the public surveys on both sides with the line so run and marked.

Boundary.

SEC. 2. *And be it further enacted*, That patents shall be issued for such tracts of land as were sold and paid for at the land office at Tallahassee, in the territory of Florida, as are found to be situate within the limits of the district of lands subject to sale at Sparta, in Alabama, agreeably to the terms of the act organizing that district; and the said

Certain patents to issue.