

appointed in any of the places mentioned in the first section of this act, a suitable person shall be appointed for such places, and on all such surveyors, whether appointed or to be appointed, shall devolve the duties prescribed by this act, in addition to the customary duties performed by that officer in other places; and the surveyor at each of said places shall, before taking the oath of office, give security to the United States for the faithful performance of all his duties, in the sum of ten thousand dollars, and shall receive, in addition to his customary fees, an annual salary of three hundred and fifty dollars; *Provided*, That no salary arising under this act, shall commence until its provisions shall take effect, and merchandise may be imported under its authority.

Proviso.

Suits, &c. for penalties.

Act of March 2, 1799, ch. 22.

1797, ch. 13.

SEC. 6. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act shall be sued for, recovered, distributed and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven.

APPROVED, March 2, 1831.

STATUTE II.

March 2, 1831.

Repeal of act of April 17, 1822, ch. 27.

CHAP. LXXXVIII.—*An Act to repeal the act to establish the district of Blakely.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act entitled "An act to establish the district of Blakely," approved the seventeenth day of April, eighteen hundred and twenty-two, be, and the same is hereby, repealed.

APPROVED, March 2, 1831.

STATUTE II.

March 2, 1831.

Additional compensation.

CHAP. XCI.—*An Act to provide for the further compensation of the marshal of the district of Rhode Island.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the marshal of the district of Rhode Island shall be entitled to receive, in addition to the compensation now allowed by law, an annual salary of two hundred dollars payable quarterly, out of any money in the treasury, not otherwise appropriated.

APPROVED, March 2, 1831.

STATUTE II.

March 2, 1831.

Owners of, &c. authorized.

Barry v. Gamble, 3 Howard, 32.

CHAP. XCII.—*An Act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the legal owners of any certificates of new location issued under the act of seventeenth February, one thousand eight hundred and fifteen, for the relief of persons whose lands were injured by earthquakes in Missouri, which may have been located upon lands, any part of which has been adjudged to any person or persons as a right of pre-emption, shall be authorized to locate such warrants, upon such lands as are liable to entry at private sale, *Provided*, That previous to making such new location, the legal owners aforesaid shall relinquish to the United States all claim to the previous

Proviso.

location, *And provided further*, That such locations shall be made and patents issued therefor, under the same regulations and restrictions, as if the locations had been made under the provisions of the second section of the act of the twenty-sixth April, one thousand eight hundred and twenty-two, entitled "An act to perfect certain locations and sales of the public lands in Missouri."

Proviso.

Act of April 26, 1822, ch. 40.

SEC. 2. *And be it further enacted*, That this act shall remain in force for the term of eighteen months from the passage thereof.

APPROVED, March 2, 1831.

STATUTE II.

March 2, 1831.

CHAP. XCVII.—*An Act declaring the assent of Congress to an act of the general assembly of the state of Ohio, hereinafter recited. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the consent of the United States shall be, and is hereby, given to an act of the General Assembly of the state of Ohio, entitled "An act for the preservation and repair of the United States' road," passed the fourth day of February, in the year of our Lord one thousand eight hundred and thirty-one, which act is in the words and figures following, to wit:

Cumberland road.

*"Be it enacted by the General Assembly of the state of Ohio*, That whenever the consent of the Congress of the United States to this act shall be obtained, the governor of this state shall be, and he is hereby, authorized to take under his care, on behalf of this state, so much of the road commonly called the National Road, within the limits of this state, as shall then be finished, and also, such other sections or parts thereof as may thereafter be progressively finished within the limits aforesaid, whenever the same shall be completed; and he shall be, and is hereby authorized to cause gates and toll-houses to be erected on said road, at such finished parts thereof as he shall think proper, for the purpose of collecting tolls, as provided by the fourth section of this act: *Provided*, The number of gates aforesaid shall not exceed one on any space or distance of twenty miles.

Toll gates.

"SEC. 2. That a superintendent shall be appointed by the governor, whose duty shall be to exercise all reasonable vigilance and diligence in the care of the road committed to his charge; to contract for, and direct the application of the labour, materials, and other things necessary for the preservation, repair, and improvement thereof; he shall pay for the same out of such sums as the governor shall furnish him for that purpose, subject to such responsibility and accountability as the said governor shall dictate; and shall conform to such instructions as the governor shall prescribe for his conduct, in all particulars relative to his said trust: he may be empowered to suspend the functions of any toll-gatherer for alleged misconduct, till the pleasure of the governor shall be known, and to fill the vacancy thereby occasioned during such interval; and it shall be his duty to give information of the facts in such case to the governor, without any unnecessary delay; the said superintendent shall hold his office during the pleasure of the governor, who shall allow him a reasonable compensation for his services.

Superintendent.

"SEC. 3. That the governor be, and he is hereby, authorized to appoint

Toll-collectors.

(a) Under the acts of Congress, and of the state of Ohio, relating to the surrender and acceptance of the Cumberland road, a toll charged upon passengers travelling in mail carriages, without being charged, also, on passengers travelling in other carriages, is against the contract, and void. Neil, Moore & Co. v. The State of Ohio, 3 Howard, 720.

It rests altogether in the discretion of the Postmaster General, to determine at what hours the mail shall leave particular places, and arrive at others, and to determine whether it shall leave the same place only once a day, or more frequently. *Ibid.*

It is not, therefore, the mere frequency of the departure of the carriages, carrying the mail, that constitutes an abuse of the privilege of the United States, but the unnecessary division of the mail-bags among a number of carriages, to evade the payment of tolls. *Ibid.*