

tion to the claims thus filed before the first day of December next, and the claims which have been heretofore filed, but not decided on by the commissioners, as the board of commissioners had by former laws respecting claims filed prior to the first day of July, one thousand eight hundred and eight, except that all of his decisions shall be subject to the revision of Congress. And it shall be the duty of the said recorder to make to the commissioner of the general land-office a report of all the claims which shall be thus filed before the first day of December next, and of the claims which have been already filed but not decided on by the said commissioners; together with the substance of the evidence in support thereof, with his opinion and such remarks as he may think proper, which report together with a list of the claims which, in the opinion of the said recorder, ought to be confirmed, shall be laid by the commissioner of the general land-office before Congress, at their next session, for their determination thereon. The said recorder in addition to his salary as fixed by law, shall be allowed fifty cents for each claim which has been filed, but not decided on by the commissioners; or which shall be filed according to this act, and on which he shall make a decision, whether such decision be in favour of, or against the claim, and a further allowance of five hundred dollars, which shall be paid after he shall have made his report to the commissioner of the general land-office; which allowance of fifty cents for each claim decided on, and five hundred dollars on the completion of the business, shall be in full compensation for his services, including clerk hire, respecting the claims to be decided on according to this act.

APPROVED, June 13, 1812.

STATUTE I.

June 17, 1812.

CHAP. C.—*An Act authorizing the remission of forfeited recognizances within the District of Columbia.*

President authorized to remit forfeitures, &c. in the District of Columbia.

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 shall have the power to grant remissions of the forfeitures of all recognizances acknowledged and taken or to be acknowledged and taken, before any court, judge, justice of the peace, or other magistrate within the District of Columbia, either in the course of any criminal prosecution, or for surety of the peace.

APPROVED, June 17, 1812.

STATUTE I.

June 17, 1812.

CHAP. CI.—*An Act authorizing the cutting and making a Canal from the river Potomac around the west end of the dam or causeway from Mason's Island, and for other purposes.*

Common council of Alexandria empowered to appoint agents to lay out and superintend cutting of canal, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the common council of Alexandria shall have power to appoint one or more agents to lay out and superintend the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's island to the western shore of the said river, into that arm of said river which passes around the western side of said island, in the manner and under the restrictions herein after directed; and from the river Potomac along the west side of Alexander's peninsula into said river, below the lower end of said peninsula, and through any other points of land between Mason's island and Alexandria, which may improve the boat navigation of said river; and also that the said common council of Alexandria have power to levy a tax upon the real property of the said town, and upon the personal property and the occupations of the citizens thereof, for the purpose of defraying the expense of cutting and making said canals, and after-

May levy a tax.

wards for continuing the same in good repair; and for constructing and keeping in repair, and attending at all times during high water the guard gates or lock, herein after directed to be constructed in the canal authorized to be cut as aforesaid around the west end of the causeway from Mason's island, and of erecting the bridges herein after mentioned, and for keeping the same in repair.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the said agent or agents or a majority of them to agree with the owners of any land through which either of the said canals is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the circuit court of the District of Columbia, the said judge shall issue his warrant directed to the marshal of the district, to summon and empanel twelve able and discreet freeholders of the vicinage, noways related to either party, to meet on some certain place on the ground through which the said canal is proposed to be conducted, and on a certain day to be expressed in the warrant, of which reasonable notice shall be given by the marshal to the proprietors or tenants of said ground; and the marshal upon receiving the said warrant shall forthwith summon the said jury, and when met shall administer an oath or affirmation to every jurymen, that he will faithfully, justly, and impartially value the land not exceeding the width of thirty feet, and all damages the owner thereof will sustain by cutting the canal through such land, according to the best of his skill and judgment; and the inquisition thereupon taken, shall be signed by the marshal and the jurymen present, and returned by the marshal to the clerk of the court of the county of Alexandria to be by him recorded; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the agent or agents to the owner of the land, or his or her legal representatives; and on payment thereof, said canal may be cut and made through said lands, and said described land and canal shall become an open highway for ever: *Provided*, they nor the waters of the said canals or either of them shall not be used for any other purpose than navigation, but by the consent of the owner of the lands through which said canal may pass.

SEC. 3. *And be it further enacted*, That the canal authorized to be cut as aforesaid around the west end of the causeway, and not nearer than one hundred feet to the land end of the lower side of the wharf, formerly used as a ferry wharf, from Mason's island, shall commence at some point on the western shore of the Potomac river, above a high rock situated about thirty yards above the said causeway, thence to proceed, leaving the said high rock between said canal and the river, and passing at a distance of at least twenty feet from the original walls of said causeway, shall enter said river at the distance of at least twenty and not exceeding one hundred yards below said causeway; that said canal shall not be narrower than twelve feet, nor wider than twenty feet at the bottom, and shall not contain less than two feet, nor more than four feet water in depth at common low tide, and shall be substantially walled with stone on both sides throughout; and if on excavating the site for the said canal at the proper depth, it does not prove to be a bottom of solid rock, then the same shall be securely paved at bottom with heavy flat stone, well laid, for the whole or such part as may not be a bottom of natural rock. And the said canal shall be further secured by wing walls and puddle on the river side to prevent the water from undermining the causeway walls. There shall also be erected in said canal for the protection of said causeway, during the times of high freshes, two substantial guard gates, as high as the parapet wall of said causeway, one at least twenty feet above said causeway, and the other at a

Agents may agree with owners of land.

In case of disagreement a judge may issue his warrant to the marshal to summon a jury.

Notice to be given to proprietors or tenants.

Juror's oath.

Inquisition to be signed and returned by the marshal.

Valuation to be conclusive and paid to the owner, &c.

Land and canal to become an open highway.

Only used for navigation.

Commencement of the canal.

Width.

Depth. To be walled.

To be paved at bottom.

Wing walls and puddle.

Guard gates

- suitable distance below said causeway, which gates shall be connected by walls with said parapet wall, and of equal height, so as to form a complete lock, to be firmly secured at bottom, and with the usual apparatus for opening and shutting the same, to facilitate the passage of boats; and it shall be the duty of the said common council of Alexandria to provide, that always during the times of high freshes aforesaid, a careful person shall attend said gates to keep them shut, at which times they shall never be opened except for the passage of boats, and for ever to keep the said lock and the said canal, in all its walls, wings, pavements, gates, and other parts in complete repair; and if the said causeway should at any time be injured in consequence of the said common council having failed to take the precautionary measures aforesaid, and to keep every part of the work done by them in good repair, the said common council shall be liable to the corporation of Georgetown for all damages said corporation may sustain by such injury, to be assessed by a jury in an action on the case, to be brought by said corporation against said common council, and it shall also be the duty of the said common council of Alexandria to erect over said canal, where it shall cross the turnpike road which leads from said causeway to Alexandria, a substantial stone bridge, at least twenty feet wide, and to keep the same always in repair.
- Lock.**
- Freshes.**
- Always to be kept in repair.
- Common council of Alexandria liable, &c. Damages to be assessed.
- Stone bridge.**
- Good bridges to be erected over highways cut by the canal.
- Limitation of time.
- Common council to supply vacancies of agents.
- Boats not to pass the western end of the causeway before the canal is completed.
- President to appoint commissioners to inspect the work.
- Commissioners to be paid by the common council.
- SEC. 4. *And be it further enacted,*** That if any other of the said canals shall be cut across any public highway, that a good and sufficient bridge shall in such place be made over the canal at least twenty feet wide, and kept in constant repair by the said common council of Alexandria.
- SEC. 5. *And be it further enacted,*** That the aforesaid canal around the west end of the causeway aforesaid, shall be commenced within two years, and shall be completed in the manner herein before provided, within five years from this time, otherwise the authority herein given to cut said canal shall cease and determine.
- SEC. 6. *And be it further enacted,*** That in case of the death, removal, or refusal to act, of any agent, the common council of Alexandria shall appoint another, and shall, from time to time, supply vacancies that may occur, and that in all cases a majority of the agents shall be sufficient to act.
- SEC. 7. *And be it further enacted,*** That it shall not be lawful for any boat or boats to pass the said canal around the western end of the said causeway, until the commissioners, or a majority of them herein after named, shall have certified under their hands, that according to the best of their skill and judgments, the said canal is located and cut, and the walls, wings, lock, and gates are erected and the pavement laid, and the whole work executed and completed, in every respect conformably to the directions, true intent and meaning of this act; and until the certificate signed as aforesaid shall be returned and filed in the office of the court of the county of Alexandria.
- SEC. 8. *And be it further enacted,*** That so soon as the common council of Alexandria shall notify the President of the United States, that the said canal round the western end of the causeway aforesaid is completed, and ready for the view and inspection of the commissioners, then it shall and may be lawful for the President of the United States, and he is hereby required to appoint without delay three disinterested and skilful persons as commissioners, to go upon, view and inspect the canal and premises last aforesaid, and thereupon, if in their judgments, and not otherwise, the said canal be in all respects executed and completed as herein directed, to certify the same and cause their certificate to be returned and filed in manner aforesaid. And that the said commissioners for so doing shall be entitled to a reasonable compensation, to be paid by the common council of Alexandria.
- SEC. 9. *And be it further enacted,*** That the earth or other materials

taken from the bed of the said canal, shall not be deposited to the injury of the owners of the lands through which the said canal may pass.

APPROVED, June 17, 1812.

Owners of land not to be injured, &c.

STATUTE I.

June 18, 1812.

[Obsolete.]

War declared.

CHAP. CII.—*An Act declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

APPROVED, June 18, 1812.

President authorized to employ the land and naval forces to carry on the war.

STATUTE I.

June 24, 1812.

CHAP. CVI.—*An Act to amend the laws within the District of Columbia.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all promissory notes for the payment of money hereafter drawn and endorsed or transferred within the county of Alexandria, in the district of Columbia, shall be governed by, and subject to, the same laws as are now in force and applicable to such notes, drawn, endorsed or transferred within the county of Washington, in the said district; and the rights, remedies and responsibility of the person or persons hereafter holding, drawing, endorsing or transferring any such promissory note, as aforesaid, shall be the same within the county of Alexandria as they now are within the said county of Washington; and all laws now in force within the said county of Alexandria, contrary to this provision, are hereby repealed.

Promissory notes subject to same laws in Alexandria and Washington, &c.

SEC. 2. *And be it further enacted,* That it shall be lawful for any creditor of any insolvent debtor, who shall hereafter apply for relief under the act of Congress, passed on the third day of March, one thousand eight hundred and three, entitled "An act for the relief of insolvent debtors within the District of Columbia," to make the same allegations in writing, at any time before the oath of insolvency shall be administered, as are now permitted by the seventh section of said act, which allegation shall be made before the judge by whom the oath of insolvency is proposed to be administered, and a copy of the same, together with a notification from such judge of the time and place at which the truth of such allegation is to be tried, shall be forthwith served on such insolvent, and any one judge of the said district shall have the same power and authority to examine the debtor or any other person, on oath, touching the substance of the said allegation, or to direct an issue or issues to be tried before him, in a summary way, to determine the truth of the same, as are now vested in the court of the said district by the seventh section of the said act; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming within twelve months next preceding his application for

Creditors of insolvent debtors may make allegations before oath of insolvency. Act of March 3, 1803, ch. 31.

One judge may examine the debtor.

(a) See notes to an act concerning the District of Columbia, February 27, 1801, chap. 15, vol. ii. 103.