

## STATUTE I.

April 3, 1812.

CHAP. XLVIII.—*An Act granting to the corporation of the city of New Orleans the use and possession of a lot in the said city.*

Right of the United States to a certain portion of ground in the city of New Orleans ceded to the city.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the right and claim of the United States to the use, possession and occupancy of a space of one hundred and fifty by one hundred and twenty-five feet of a vacant lot of ground, in the city of New Orleans, bounded by Bienville and Custom-house streets, and by Levee street and the high road, be, and the same is hereby vested in the corporation of the said city. And the said corporation is authorized to use, possess and occupy the same, for the purpose of erecting or causing to be erected and kept in operation a steam engine, or engines, for conveying water into the said city, and all buildings necessary to the said purpose: *Provided,* that if the said space of ground shall not be occupied for the said purpose, within the term of three years, from and after the passing of this act, or shall at any time thereafter cease to be so occupied, for the term of three years, the right and claim of the United States thereto, shall remain unimpaired: *And provided also,* that this act shall not affect the claim, or claims of any individual or individuals, if any such there be.

Proviso, that the ground shall be occupied within three years.

Proviso.

APPROVED, April 3, 1812.

## STATUTE I.

April 4, 1812.

CHAP. XLIX.—*An Act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time.*

[Expired.]

Embargo laid for ninety days.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an embargo be, and hereby is laid for the term of ninety days from and after the passing of this act, on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels in ballast, with the consent of the President of the United States; and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided,* that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast or with the goods, wares and merchandise on board of such foreign ship or vessel when notified of this act.

Proviso.

Bonds to be given that all goods, &c. &c. shipped in the ports of the U. States shall be relanded in others of the United States.

Sec. 2. *And be it further enacted,* That during the continuance of this act, no registered or sea letter vessel shall be allowed to depart from any one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel, shall first give bond, with one or more sureties, to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, conditioned that the goods, wares or merchandise, with which she shall be laden, shall be relanded in some port of the United States.

Penalties for going to foreign ports.

Sec. 3. *And be it further enacted,* That if any ship or vessel shall, during the continuance of this act, depart from any port of the United States, without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, proceed to a foreign port or place, or trade with, or put on board of any other ship or vessel, any goods, wares or merchandise, of foreign or domestic growth or manufacture, such ships or vessels, goods, wares and merchandise shall be wholly forfeited, and, if the same shall not be seized, the owner or owners, agent, freighter or factors, of any such ship or vessel, shall for every such offence forfeit and pay a sum equal to double the value of the ship or vessel and cargo,

and shall never thereafter be allowed a credit for duties on any goods, wares or merchandise, imported by him or them into any of the ports of the United States; and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such prohibited foreign voyage, shall each respectively forfeit and pay a sum not exceeding twenty thousand, nor less than one thousand dollars for every such offence, whether the vessel be seized and condemned or not; and the oath or affirmation of any master or commander, knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

SEC. 4. *And be it further enacted,* That all penalties and forfeitures arising under, or incurred by virtue of, this act, may be sued for, prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be 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 the second day of March, one thousand seven hundred and ninety-nine; and such penalties may be examined, mitigated or remitted, in like manner, and under like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred: *Provided,* that all penalties and forfeitures which shall have been incurred by virtue of this act, previous to the expiration thereof, may and shall thereafter be recovered and distributed in like manner, as if this act had continued in full force and virtue.

Penalties, how to be recovered, distributed, &c.

1799, ch. 22.

1797, ch. 13.

1800, ch. 6.

Proviso.

APPROVED, April 4, 1812.

STATUTE I.

CHAP. L.—*An Act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state.*(a)

April 8, 1812.

Act of Feb.

15, 1811, ch. 21.

Act of May

22, 1812, ch. 93.

WHEREAS, the representatives of the people of all that part of the territory or country ceded, under the name of "Louisiana," by the treaty

(a) The decisions of the Supreme Court on the extension of the laws of the United States to Louisiana, and the practice of the courts of the United States in the district of Louisiana, have been:—

As, by the laws of Louisiana, questions of fact in civil cases are tried by the court, unless either of the parties demand a jury, in an action of debt on a judgment, the interest on the original judgment may be computed, and make part of the judgment in Louisiana, without a writ of inquiry, and the intervention of a jury. *Mayhew v. Thatcher*, 6 Wheat. 129; 5 Cond. Rep. 34.

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. *Soulard et al. v. The United States*, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the inhabitants of Louisiana to their government, is not changed. The new government takes the place of that which is passed away. *Ibid.*

By the provisions of the acts of Congress, Louisiana, when she came into the Union, had organized therein a district court of the United States, having the same jurisdiction, except as to appeals and writs of error, as the circuit courts of the United States in other states; and the modes of proceeding in that court, were required to be according to the principles, rules, and usages which belong to courts of equity, as contradistinguished from courts of common law. And whether there were or not, in the several states, courts of equity proceeding according to such principles and usages, made no difference, according to the construction uniformly given by the supreme court. *Livingston v. Story*, 9 Peters, 632.

The provisions of the act of Congress of 1824, relative to the practice of the courts of the United States in Louisiana, contain the descriptive term civil actions, which embrace cases at law and in equity; and may be fairly construed as used in contradistinction to criminal causes. They apply equally to cases in equity; and if there are any laws in Louisiana directing the mode of proceeding in equity causes, they are adopted by that act, and will govern the practice in the courts of the United States. *Ibid.*

Under the law of Louisiana, there are two kinds of pledges, the pawn and the antichresis. A thing is said to be pawned, when a movable is given as a security; the antichresis consists of immovables. *Livingston v. Story*, 11 Peters, 351.

L. conveyed, in 1822, in fee simple, to F. and S., certain real estate in New Orleans, by deed, for