

To appoint magistrates, &c. for the same.

Compensations of the Governor, &c.

Oaths of office of the Governor, &c.

Before whom the oaths of office shall be taken.

Governor, &c. to be appointed by the President during the recess of the Senate; but to be nominated by him at the next succeeding session for the Senate's concurrence.

Laws in force to continue in force, unless they be inconsistent with the act.

Repeal of part of a former law.

Act of March 26, 1804, ch. 38.

STATUTE II.

March 3, 1805.

Corporation of Georgetown divided into two branches, after the 2nd Monday in March.

The first, how constituted.

The second, how constituted.

Members of the corporation forthwith to choose by ballot out of their own body, the board of aldermen, or 1st branch.

Term of their service.

Present recorder to be the

to time as circumstances may require, to lay out those parts of the territory in which the Indian title shall have been extinguished, into districts, subject to such alteration as may be found necessary; and he shall appoint thereto such magistrates and other civil officers as he may deem necessary, whose several powers and authorities shall be regulated and defined by law.

SEC. 6. *And be it further enacted*, That the governor, secretary and judges, to be appointed by virtue of this act, shall respectively receive the same compensations for their services as are by law established for similar offices in the Indiana territory, to be paid quarter yearly out of the treasury of the United States.

SEC. 7. *And be it further enacted*, That the governor, secretary, judges, justices of the peace, and all other officers civil or military, before they enter upon the duties of their respective offices, shall take an oath, or affirmation, to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States shall authorize to administer the same; the secretary and judges before the governor; and all other officers before such person as the governor shall direct.

SEC. 8. *And be it further enacted*, That the governor, secretary, and judges, to be appointed by virtue of this act, and all the additional officers authorized thereby, or by the act for erecting Louisiana into two territories, and providing for the temporary government thereof, shall be appointed by the President of the United States, in the recess of the Senate, but shall be nominated at their next meeting for their advice and consent.

SEC. 9. *And be it further enacted*, That the laws and regulations, in force in the said district, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

SEC. 10. *And be it further enacted*, That so much of an act, intitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant to this act, shall, from and after the fourth day of July next, be repealed, on which said fourth day of July, this act shall commence and have full force.

APPROVED, March 3, 1805.

CHAP. XXXII.—An Act to amend the charter of Georgetown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the second Monday in March current, the corporation of Georgetown, in the district of Columbia, shall be divided into two branches; the first branch to be composed of five members, and a recorder, and to be called "the board of aldermen;" and the second branch to be composed of eleven members, and to be called "the board of common council-men;" which said two branches shall be elected as hereafter particularly provided.

SEC. 2. *And be it further enacted*, That after the passage of this act, and before the said day above mentioned, the present members of the said corporation shall meet at their usual place of meeting, and then and there choose, by ballot, from their body, five persons to compose the said board of aldermen, which said persons, when chosen as aforesaid, shall compose the said board of aldermen, and be, and continue such, until the fourth Monday in February, one thousand eight hundred and six; and that the present recorder of the said corporation shall be the president of the said board of aldermen until the time last aforesaid: that

the other members of the said corporation, (except the mayor,) shall compose the said second branch, called the board of common councilmen, and be and continue such, until the time aforesaid, and shall choose out of their own body a president, to be and continue such until the time aforesaid; and when thus organized, said corporation shall have, exercise, and possess, all the powers and rights now vested in the said corporation, and to be herein and hereby vested in them.

SEC. 3. *And be it further enacted,* That the present mayor of the corporation of Georgetown, shall be, and continue such, until the first Monday of January next.

SEC. 4. *And be it further enacted,* That on the fourth Monday of February next, the free white male citizens of Georgetown, of full age, and having resided within the town aforesaid, twelve months previously, and having paid tax to the corporation, shall assemble at a place to be appointed, as hereafter directed, and then and there shall proceed to elect, by ballot, five fit and proper persons, citizens of the United States, and residents of the said town, one whole year next before the said day of election, above twenty-one years of age, and having paid a tax to said corporation, to compose the said board of aldermen; and shall also, at the same time, proceed as aforesaid, to elect eleven fit and proper persons, having the qualifications last aforesaid, to compose the said board of common council; the said board of aldermen to continue two years, and the said board of common council to continue one year: and the said mayor, together with such other fit persons as shall be named and appointed by the said corporation, shall be judges of the election, and the five persons voted for as aldermen, who shall have the greatest number of legal votes, on the final casting up of the polls, shall be declared duly elected for the board of aldermen: and the eleven persons voted for as common council, who shall have the greatest number of legal votes upon the final casting up of the polls, shall be declared duly elected for the board of common council; and that the like election for aldermen be held on the fourth Monday in February, every two years thereafter; and for the said common council, on the said fourth Monday in February, annually, for ever thereafter.

SEC. 5. *And be it further enacted,* That on the first Monday of January next, and on the same day, annually, for ever thereafter, the said corporation shall, by a joint ballot of the said two branches present, choose some fit and proper person to be mayor of the said corporation, and some fit and proper person, learned in the law, to be the recorder of the said corporation, to continue in office one year.

SEC. 6. *And be it further enacted,* That the said mayor, before he acts as such, and the said recorder, before he acts as such, shall, respectively, make oath, before some justice of the peace, for the county of Washington aforesaid, in the presence of both branches of the said corporation, that he will well and faithfully discharge the several and respective duties of his office; and that each member of the said two branches shall, before he acts as such, in the presence of the corporation, take an oath to discharge the duties and trust reposed in him, with integrity and fidelity.

SEC. 7. *And be it further enacted,* That four members of the board of aldermen, and seven members of the board of common council, shall form a quorum to do business: the said corporation shall hold two sessions in each year; one to commence on the first Monday in March, and the other on the first Monday in December, with power to adjourn from day to day, to be held at such place as the mayor may designate, not otherwise provided for by ordinance: *Provided always,* that the mayor shall have power, on urgent occasions, to convene said corporation, on application of at least five members, in writing, giving reasonable notice of such intended meeting.

president of the board of aldermen.

2nd branch or board of common councilmen, to be composed of the other members of the corporation.

Powers, &c.

An election to be held.

Qualifications of the voters.

For the board of aldermen, and of that of the common council-men.

Term of the service of the members of each Board.

Mayor, &c. to be judges of the elections.

Annual and biennial elections for the aldermen and common council-men, to be held.

Two branches, by joint votes, to make annual appointments of a mayor and recorder.

Oaths of office, &c.

Quorums for doing business.

Semi-annual sessions to be held.

Proviso.

The two branches to be judges of the elections and returns of their own members, &c.

Ordinances may originate in either branch, but must be approved of by the mayor to become laws; if approved of to be signed by him. If disapproved of, to be returned with his objections in writing, &c. upon a reconsideration, on a majority of two thirds, to become laws.

Clerk of the corporation to record the laws and resolutions and to have them published.

Recorder to have a casting vote.

Same power given to the President of the 2d branch.

Mayor to see that the laws be executed, &c. &c.

Delinquents may be removed from office by the corporation.

Mayor to lay before the corporation, in writing, such alterations in the laws, as he may deem necessary; to exercise the powers of a justice of the peace, and to receive an annual compensation.

Qualifications of the Mayor.

Vacancies in either branch, how to be supplied.

Corporation to fill the vacancies in the offices of mayor and recorder.

Specific powers of the corporation.

SEC. 8. *And be it further enacted*, That each of the said branches shall judge of the elections, qualifications and returns of its own members, and may compel the attendance of the members of each branch by reasonable penalties: and either branch shall have power to appoint their president, pro tempore, in case of the absence of the one duly chosen, as aforesaid. Any ordinance may originate in either branch, and no ordinance shall be passed, but by a majority of both branches, nor unless it shall pass both branches during the same session, and be approved of by the mayor, who shall sign the same, unless he objects thereto, within forty-eight hours from the time the same is presented to him for signature; if he does so object, he shall immediately return the same to the said corporation, with his objections, in writing, and if on reconsideration, two thirds of each branch of the corporation shall be of opinion that the said law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law; and he shall sign the same; if the said mayor shall not return his objections to the same, to the said corporation, within the time aforesaid, it shall become a law, and shall be signed by him; the clerk of the corporation shall record in a book to be kept by him for that purpose, all the laws and resolutions which shall be passed as aforesaid, and deliver a copy of them to the public printer, to be printed by him for the use of the people.

SEC. 9. *And be it further enacted*, That in case the aldermen composing the first branch shall, at any time, on any question before them, be equally divided, the recorder shall have the casting vote, and determine such question to the same effect as if the same had been determined by a majority of the aldermen present; and similar power is hereby given to the president of the second branch in case of an equal division in that body.

SEC. 10. *And be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed, and to report the negligence or misconduct of any officer to the said corporation, who on satisfactory proof thereof, may remove from office the said delinquent, or take such other measures thereupon as shall be just and lawful; he shall lay before the said corporation, from time to time, in writing, such alterations in the laws of the said corporation as he shall deem necessary and proper; he shall have and exercise the powers of a justice of the peace in the said town, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the said corporation; no person shall be eligible to the said office of mayor unless a citizen of the United States, of the age of thirty years, a resident of the said town for five years then last past, and unless he shall have paid a tax to said corporation.

SEC. 11. *And be it further enacted*, That in case of a vacancy in either branch of the said corporation, by death, removal, or otherwise, of either of the members, a fit person or persons qualified, as aforesaid, shall be elected by the people, in the manner aforesaid, to fill such vacancy immediately thereafter; the mayor giving however at least five days' notice of such election: and in case of the vacancy of the mayor or recorder, the said corporation shall, within five days thereafter, as herein before directed, proceed to the choice of a fit person or persons, qualified, as aforesaid, to fill his or their place.

SEC. 12. *And be it further enacted*, That the said corporation shall have power to impose a tax, not exceeding in any one year, fifty cents in the hundred dollars, on all property within the said town; and the sessions of the said corporation shall be held as heretofore, until the said second Monday in March current; and the said corporation shall have, possess and enjoy, all the rights, immunities, privileges and powers heretofore enjoyed by them; and shall be called by the same name as heretofore, and shall have perpetual succession; and in addition thereto,

they shall have power to regulate the inspection of flour and tobacco in said town; to prevent the introduction of contagious diseases within said town and precincts; to establish night watches and patrols, and erect lamps; to regulate the stationing, anchorage and mooring of vessels; to provide for regulating and licensing ordinaries, auctions and retailers of liquors, hackney carriages, wagons, carts and drays within said town and precincts; to restrain or prohibit gambling; to provide for licensing, regulating or restraining theatrical or other public amusements; to regulate and establish markets; to pass all laws for the regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks to be made and used within said town; the inspection of salted provisions, and the assize of bread; to sink wells and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to erect workhouses; to open, extend, and regulate streets within the limits of the said town; provided they make to the person or persons who may be injured by such opening, extension or regulation just and adequate compensation, to be ascertained by the verdict of an impartial jury, to be summoned and sworn by a justice of the peace of the county of Washington, and to be formed of twenty-three men, who shall proceed in like manner as has been usual in other cases where private property has been condemned for public use; and they shall have the power of restraining, regulating and directing the manner of building wharves and docks; also to direct the manner in which the improvements thereon to be erected, shall be made, so that they may not become injurious to the health of the town; in addition to the power heretofore granted to the said corporation by the act of Congress, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," of laying a tax of two dollars per foot front for paving the streets, lanes and alleys of the said town; they shall have the power upon petition, in writing, of a majority of the holders of the real property fronting on any street or alley, if, in their judgment it shall be deemed necessary, to lay such further and additional sum on each front foot, on said street, or part of a street, as will be sufficient to pave said street or part of a street, lane or alley, so petitioned for; and the like remedy shall be used for the recovery thereof, as is now used for the recovery of the public county taxes in the said county of Washington; and they shall have power by ordinance to direct or order the paved streets to be cleansed and kept clean, and appoint an officer for that purpose; to make and keep in repair all necessary sewers and drains, and to pass regulations necessary for the preservation of the same.

Specific powers of the corporation.

1802, ch. 52.

Sec. 13. *And be it further enacted*, That the duties on all licenses to be granted as aforesaid, shall be to and for the proper use and benefit of the said corporation; and the said corporation shall have power to pass all laws not inconsistent with the laws of the United States, which may be necessary to give effect and operation to all the powers vested in the said corporation; and to appoint constables and collectors of the taxes, and all other officers who may be deemed necessary for the execution of their laws, whose duties and powers shall be prescribed in such manner as the said corporation shall deem fit for the purpose aforesaid.

Duties on licenses to enure to the benefit of the corporation.

Further grant of powers to the corporation.

Sec. 14. *And be it further enacted*, That the jurisdiction of the said corporation shall extend to the limits of the original plan of said town, and to such additions as are recognized by law; and that a survey as soon as conveniently may be after the passage of this law, shall be made, under the direction of the said corporation, ascertaining said limits,

Local extent of the corporation's jurisdiction.

A survey to be made to ascertain the precise limits.

and a plat thereof made and returned to said corporation, which, when approved of by them, shall be preserved, and become a record.

APPROVED, March 3, 1805.

STATUTE II.

March 3, 1805.

CHAP. XXXIII.—*An Act supplementary to the act intituled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic Majesty."*

1802, ch. 49.
Last payment due under the convention may be made in Great Britain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized to cause the last payment due under the convention of the eighth day of January, one thousand eight hundred and two, between the United States of America and his Britannic majesty, to be made in Great Britain: *Provided,* that the same may be effected without any risk to the United States.

Proviso.

APPROVED, March 3, 1805.

STATUTE II.

March 3, 1805.

CHAP. XXXIV.—*An Act to establish the districts of Genessee, of Buffaloe Creek, and of Miami; and to alter the port of entry of the district of Erie.*

District of Genessee established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of March next, all the shores and waters of the lake Ontario, and the rivers and waters connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the westward of the western extremity of Sodus bay, but excluding all the rivers and waters emptying into the said bay, and to the eastward of the eastern extremity of a certain creek or bay, lying between Niagara and the Genessee river, and known by the name of Oak Orchard creek, shall be a district, to be called the district of Genessee, of which the river Genessee shall be the sole port of entry; and a collector for said district shall be appointed, to reside on the river Genessee.

The river Genessee a port of entry. Collector to be appointed, &c.

District of Buffaloe creek established.

SEC. 2. *And be it further enacted,* That all the shores, rivers and waters heretofore belonging to the district of Niagara, which empty into Lake Erie, or into the river Niagara, above the falls of Niagara, shall, from and after the thirty-first day of March next, be a district, to be called the district of Buffaloe Creek, of which Buffaloe Creek shall be the sole port of entry; and a collector for the said district shall be appointed, to reside on Buffaloe Creek.

Collector to be appointed &c. &c.

District of Miami established.

SEC. 3. *And be it further enacted,* That from and after the thirty-first day of March next, all the shores, rivers and waters of Lake Erie, within the jurisdiction of the United States, which lie between the west bank of Vermilion river, and the north cape, or extremity of Miami bay, into which the river Miami of Lake Erie empties itself, and including all the waters of the said river Miami, shall be a district, to be called the district of Miami; and the President of the United States is authorized to establish such place at or near Sandusky, or on the said river Miami, to be the port of entry, as he shall judge expedient, and also to establish, not exceeding two other places, to be ports of delivery only; and a collector for the said district shall be appointed, to reside at the port of entry, and surveyors to reside at such ports of delivery as may be established, as aforesaid.

Port of entry at or near Sandusky, and two others, in the discretion of the President, may be established as ports of delivery—collector and surveyors to be appointed, &c. &c.

President may designate port of entry in district of Erie.

Allowances to the officers to

SEC. 4. *And be it further enacted,* That the President be, and he is hereby authorized to designate such place in the district of Erie, as he shall judge expedient, to be the port of entry of the said district.

SEC. 5. *And be it further enacted,* That the several collectors and surveyors who may be appointed by virtue of this act, or by virtue of the