

ACTS OF THE SIXTEENTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held in the City of Washington, in the District of Columbia, on Monday the sixth day of December, 1819, and ended on the fifteenth day of May, 1820.

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President of the United States and President of the Senate; JAMES BARBOUR, President of the Senate pro tempore, on the fourteenth of December, 1819; JOHN GAILLARD, President of the Senate pro tempore, from the twenty-eighth of January, 1820; HENRY CLAY, Speaker of the House of Representatives.

STATUTE I.

CHAP. I.—*An Act authorizing the transmission of certain documents free of postage.* Dec. 14, 1819.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the members of Congress, the delegates from territories, the secretary of the Senate, and the clerk of the House of Representatives, be, and they are hereby, authorized to transmit, free of postage, to any post-office within the United States, or the territories thereof, any documents which have been, or may be, printed by order of either House, during the present Congress.

APPROVED, December 14, 1819.

Members, delegates, secretary, and clerk of House may transmit any document.

STATUTE I.

CHAP. II.—*An Act making a partial appropriation for the military service of the United States for the year one thousand eight hundred and twenty.* Jan. 14, 1820.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and are hereby, appropriated to the objects herein specified, to wit:

For subsistence of the army of the United States, two hundred and twenty thousand dollars.

For subsistence.

For the national armories, fifty-six thousand dollars.

For armories.
For arrearages.

For arrearages, on the settlement of outstanding claims, fifty thousand dollars.

SEC. 2. *And be it further enacted,* That the said sums be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, January 14, 1820.

shall be existing or depending in the said district court, shall be continued over and returnable to the said district court to be holden at Columbus as aforesaid, and shall be proceeded with in due form of law.

Causes to be continued over.

APPROVED, March 4, 1820.

STATUTE I.

March 6, 1820.

CHAP. XXII.—*An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of that portion of the Missouri territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the Union, upon an equal footing with the original states, in all respects whatsoever.

The inhabitants of Missouri authorized to form a constitution and state government, to be admitted into the Union.

SEC. 2. *And be it further enacted,* That the said state shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francois river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river, thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of

Boundaries.

(a) *Acts relating to the territory of Missouri:*

An act providing for the government of the territory of Missouri, June 4, 1812, ch. 95.

An act for the appointment of an additional judge for the Missouri territory, and for other purposes, Jan. 27, 1814, ch. 8.

An act to alter certain parts of the act providing for the government of the territory of Missouri, April 29, 1816, ch. 155.

An act further to regulate the territories of the United States, and their sending delegates to Congress, March 3, 1817, ch. 42, sec. 2.

State of Missouri.—An act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and to prohibit slavery in certain territories, March 6, 1820, ch. 22.

Resolution providing for the admission of the state of Missouri into the Union, on a certain condition, March 2, 1821.

An act to provide for the due execution of the laws of the United States within the state of Missouri, and for the establishment of a district court therein, March 16, 1822, ch. 112.

An act respecting the jurisdiction of certain district courts, Feb. 19, 1831, ch. 28.

An act to extend the western boundary of the state of Missouri to the Missouri river, June 7, 1836, ch. 86.

An act to authorize the President of the United States to cause the southern boundary line of Iowa, to be ascertained and marked, June 18, 1838, ch. 116.

An act to provide for the adjustment of land claims within the state of Missouri, Arkansas and Louisiana, and in those parts of the states of Mississippi and Alabama, south of the thirty-first degree of north latitude, and between the Mississippi and the Perdido river, June 17, 1844, ch. 95.

Proviso: the state to ratify the boundaries, and have concurrent jurisdiction of rivers.

Rivers, &c. to be common highways and free.

Qualifications of electors elected, to form a convention.

Apportionment of representatives to form a convention.

Election on the first Monday of May and two days following, &c.

Members of convention to meet at the seat of government on the second Monday of June, &c.

Convention to determine on the formation of a constitution, or otherwise.

Proviso; con-

beginning: *Provided*, The said state shall ratify the boundaries aforesaid; *And provided also*, That the said state shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said state; so far as the said rivers shall form a common boundary to the said state; and any other state or states, now or hereafter to be formed and bounded by the same, such rivers to be common to both; and that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and for ever free, as well to the inhabitants of the said state as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said state.

SEC. 3. *And be it further enacted*, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory three months previous to the day of election, and all other persons qualified to vote for representatives to the general assembly of the said territory, shall be qualified to be elected, and they are hereby qualified and authorized to vote, and choose representatives to form a convention, who shall be apportioned amongst the several counties as follows:

From the county of Howard, five representatives. From the county of Cooper, three representatives. From the county of Montgomery, two representatives. From the county of Pike, one representative. From the county of Lincoln, one representative. From the county of St. Charles, three representatives. From the county of Franklin, one representative. From the county of St. Louis, eight representatives. From the county of Jefferson, one representative. From the county of Washington, three representatives. From the county of St. Genevieve, four representatives. From the county of Madison, one representative. From the county of Cape Girardeau, five representatives. From the county of New Madrid, two representatives. From the county of Wayne, and that portion of the county of Lawrence which falls within the boundaries herein designated, one representative.

And the election for the representatives aforesaid shall be holden on the first Monday, and two succeeding days of May next, throughout the several counties aforesaid in the said territory, and shall be, in every respect, held and conducted in the same manner, and under the same regulations as is prescribed by the laws of the said territory regulating elections therein for members of the general assembly, except that the returns of the election in that portion of Lawrence county included in the boundaries aforesaid, shall be made to the county of Wayne, as is provided in other cases under the laws of said territory.

SEC. 4. *And be it further enacted*, That the members of the convention thus duly elected, shall be, and they are hereby authorized to meet at the seat of government of said territory on the second Monday of the month of June next; and the said convention, when so assembled, shall have power and authority to adjourn to any other place in the said territory, which to them shall seem best for the convenient transaction of their business; and which convention, when so met, shall first determine by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and state government for the people within the said territory, as included within the boundaries above designated; and if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said territory, within the boundaries aforesaid, a constitution and state government: *Provided*, That the same, when-

ever formed, shall be republican, and not repugnant to the constitution of the United States; and that the legislature of said state shall never interfere with the primary disposal of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers; and that no tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents.

SEC. 5. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the convention of the said territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

First. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state for the use of the inhabitants of such township, for the use of schools.

Second. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said state for the use of said state, the same to be selected by the legislature of the said state, on or before the first day of January, in the year one thousand eight hundred and twenty-five; and the same, when so selected, to be used under such terms, conditions, and regulations, as the legislature of said state shall direct: *Provided*, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall, by this section, be granted to the said state: *And provided also*, That the legislature shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Third. That five per cent. of the net proceeds of the sale of lands lying within the said territory or state, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three fifths shall be applied to those objects within the state, under the direction of the legislature thereof; and the other two fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said state.

Fourth. That four entire sections of land be, and the same are hereby, granted to the said state, for the purpose of fixing their seat of government thereon; which said sections shall, under the direction of the legislature of said state, be located, as near as may be, in one body, at any time, in such townships and ranges as the legislature aforesaid may select, on any of the public lands of the United States: *Provided*, That such locations shall be made prior to the public sale of the lands of the United States surrounding such location.

Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of said state, to be appropriated solely to the use of such seminary by the said legislature: *Provided*, That the five foregoing propositions herein offered, are on the condition that the convention of the said state shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the state, whether for state, county, or township, or any other purpose whatever, for the term of five years

stitution to be republican.

Conditions.

The state entitled to one representative in Congress.

Propositions offered to the convention for acceptance or rejection.

1st proposition—
Section No. 16 for schools.

2d proposition—
Salt springs and lands adjacent, for the use of the state.

Proviso; salt springs confirmed to individuals, &c.

3d proposition—5 per centum net proceeds of sales of lands for public roads and canals.

4th proposition—
4 sections of land for a seat of government.

Proviso: location before sale of surrounding lands.

5th proposition—
36 sections of land for a seminary of learning.

Proviso.

from and after the day of sale; *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of three years from and after the date of the patents respectively.

A true and attested copy of the constitution to be transmitted to Congress.

SEC. 7. *And be it further enacted*, That in case a constitution and state government shall be formed for the people of the said territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution, or frame of state government, as shall be formed or provided, to be transmitted to Congress.

Slavery, &c. forever prohibited in the territory north of 36 deg. 30 minutes north latitude, except in Missouri.

Proviso: fugitives may be reclaimed.

SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.

APPROVED, March 6, 1820.

STATUTE I.

March 13, 1820.

CHAP. XXIII.—*An Act in addition to an act, entitled "An act regulating the post-office establishment."*

Act of April 3, 1810, ch. 37. The President of the Senate pro tem. and speaker of the House of Representatives, entitled to frank as the Vice President of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That during the present and every subsequent session of Congress, all letters and packets to and from the President of the Senate pro tempore, and the Speaker of the House of Representatives for the time being, shall be received and conveyed by mail, free of postage, under the same restrictions as are provided by law with respect to letters and packets to and from the Vice President of the United States.

APPROVED, March 13, 1820.

STATUTE I.

March 14, 1820.

CHAP. XXIV.—*An Act to provide for taking the fourth census, or enumeration of the inhabitants of the United States, and for other purposes.* (a)

Act of March 3, 1821, ch. 49. Marshals of districts and territories to cause the number of inhabitants to be taken, under the direction of the Secretary of State.

Classes to be enumerated.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the marshals of the several districts of the United States, and of the district of Columbia, and of the territories of Missouri, Michigan, and Arkansas, respectively, shall be, and they are hereby, authorized, and required, under the direction of the Secretary of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories, to be taken, omitting, in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing, also, the sexes and colours of free persons, and the free males under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five and those of forty-five and upwards: and, also, distinguishing free females under ten years of age; those of ten and under sixteen; those of sixteen

(a) See note to act of March 1, 1790, vol. i. 101, referring to the acts providing for taking a census of the United States.