



LAWs of the UNITED STATES.

PUBLISHED

By Authority.

CONGRESS OF THE UNITED STATES :

AT THE SECOND SESSION,

Begun and held at the City of New-York, on Monday the fourth of January, one thousand seven hundred and ninety.

An ACT to accept a Cession of the Claims of the State of North Carolina, to a certain District of Western Territory.

A DEED of Cession having been executed, and in the Senate offered for acceptance to the United States, of the Claims of the State of North-Carolina, to a district of Territory therein described; which Deed is in the words following, viz.

TO ALL WHO SHALL SEE THESE PRESENTS, WE the under written SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the State of North-Carolina, send greeting.

WHEREAS the General Assembly of the State of North-Carolina, on the day of December, in the year of our Lord one thousand seven hundred and eighty nine, passed an act, entitled "An Act, for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, viz.

WHEREAS the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said Western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Senators of this State, in the Congress of the United States, or one of the Senators and any two of the Representatives of this State, in the Congress of the United States, are hereby authorized, impowered and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Wataugo River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old-Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions and subject thereto, that is to say: First, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States, in the common expence occasioned by the late war. Secondly, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said Territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case the Governor, for the time being, shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States; and further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled, "An act for opening the Land-Office for the redemption of specie and other certificates," and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: Provided, That nothing herein contained shall extend, or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this State. Thirdly, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North-Carolina inclusive, according to their respective usual and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, That the territory so ceded, shall be laid out and formed into a State or States, containing a suitable ex-

tent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the Western Territory of the United States, that is to say, whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: Provided always, That no regulations made or to be made by Congress, shall tend to emancipate slaves. Fifthly, That the inhabitants of the said ceded territory, shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the regulations of Congress on this State. Sixthly, That all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never passed. Seventhly, That if the Congress of the United States, do not accept the cession hereby intended to be made in due form, and give official notice thereof to the executive of this State, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. Eighthly, That the laws in force and use in the State of North-Carolina, at the time of passing of this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. Ninthly, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents. Tenthly, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pidgeon, from entering their pre-emptions in that tract, should an office be opened for that purpose under an act of the present General Assembly. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this State in, and over the territory aforesaid, and all and every the inhabitants thereof shall be, and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the day of December, A. D. 1789.

CHAS. JOHNSON, Sp. Sen.

S. CABARRUS, Sp. H. C.

NOW THEREFORE KNOW YE, THAT WE, SAMUEL JOHNSTON, and BENJAMIN HAWKINS, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for, and on behalf of the said State, do, by these presents convey, assign, transfer, and set over unto the United States of America, for the benefit of the said States, North-Carolina inclusive, all right, title, and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State; as bounded and described in the above recited act of the General Assembly, to, and for the uses and purposes, and on the conditions mentioned in the said act.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the Senate Chamber, at New-York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

SAM: JOHNSTON, (L. S.) BENJAMIN HAWKINS, (L. S.)

Signed, sealed, and delivered in the presence of SAM: A. OTIS. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said Deed be, and the same is hereby accepted.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, APRIL THE SECOND, 1790.

GEORGE WASHINGTON, President of the United States.

(TRUE COPY) THOMAS JEFFERSON, Secretary of State

CONGRESS OF THE UNITED STATES, At the Second Session,

Begun and held at the City of New York, on Monday the fourth of January one thousand seven hundred and ninety.

An ACT to prevent the exportation of Goods not duly inspected according to the Laws of the several States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Collectors and other officers of the customs in the several Ports of the United States, be, and they are hereby directed to pay due regard to the inspection Laws of the States in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the Master or other proper person shall have produced such certificate that all such goods have been duly inspected as the Laws of the respective States do, or may require to be produced to collectors or other officers of the customs.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED APRIL SECOND, 1790.

GEORGE WASHINGTON, President of the United States.

(TRUE COPY) THOMAS JEFFERSON, Secretary of State

NEW-YORK, APRIL 7, 1790.

Extract of a letter from Norfolk, Virginia, March 20. Fifteen vessels, consigned to one house, have arrived here, within a few days, for grain.

ARRIVALS SINCE OUR LAST.—NEW YORK.

- Ship Merchant, Bunker, Havre de Grace, 44 days. Packet General Washington, Duclouin, St. Maloes, 59. Ship Anatolia, Leghorn, 58 days. Brig Atalanta, Moore, Lisbon, 31 days. Brig Bon Jesus de la Nova, Antonia, Oporto, 52 days. Brig Amboy, Hammond, Cape Francois. Schooner Anna Bella, Thurston, Montego Bay, 27 days. Sloop Sally, Clarke, Aux Cayes, 18 days. Sloop New-York and Philadelphia Packet, Bird, Phil: Sloop Betsey, ditto. Sloop Lydia, Morris, Gaudaloupe, 11 days. Sloop Friendship, Burham, Savanna, 9 days. Sloop Charles, White, Norfolk, 2 days. Sloop Mary, Salter, St. Kitts, 14 days.

particular amendment, which should secure the same object, proposed by Mr. White.

Mr. Boudinot said he hoped the committee would not spend time in debating the amendment, but rise, for the purpose of rejecting the bill in the House, that Col. Ely may apply with his account to the proper officer, which is the Auditor of the Treasury.

A considerable debate on this last proposition took place.

Mr. Matthews said no man can suppose that any similar case can be cited, where 280 officers who were prisoners were without a Surgeon—where a great proportion of them were sick, and had no humanity shewn them, by those who held them prisoners.

Mr. Heifler said, if there are not any cases of a similar nature existing, the clause can do no harm—if there is, the door is opened to their obtaining like justice.

This amendment was rejected. The Committee then rose, and reported the bill with amendments—which were agreed to by the House.

The question on the bill's passing to be engrossed was negatived—24 to 22—and so the bill was lost.

A bill for granting relief to certain officers of the late army therein described, was read.

A message from the Senate was received, informing the House, that they recede from their amendment to the bill for promoting the progress of useful arts, which had been disagreed to, by the House.

A message from the President of the United States, with exemplifications of three acts passed by the State of New-York, was received, viz.—An Act, providing for the safe keeping of prisoners of the United States. An act for ceding light houses to the United States—and an act ratifying the amendments to the Constitution.

The bill, ceding the Light House of New-York to the United States, was referred to a select committee.

In committee of the whole on the bill to provide for the punishment of certain crimes against the United States.

The clause which provides for the dissection of the bodies of malefactors, it was moved should be struck out.

This, it was said, was wounding the feelings of the living, and could do no good.

It was said in answer, that it was only following a mode adopted by some of the wisest nations. It was making those who had injured society, contribute to its advantage by furnishing subjects of experimental surgery. It was attended with salutary effects, as it certainly increased the dread of punishment, when it is contemplated with this attendant circumstance.

Mr. Stone was opposed to the clause: He said it was contrary, he believed, to the practice of the several States—that it was making punishment wear the appearance of cruelty, which had a tendency to harden the public mind.

Mr. Williamson stated a variety of arguments in favor of the clause—and shewed the very great and important improvements which had been made in Surgery from experiment.

Mr. Page spoke against the clause. And Mr. Smith and Mr. Sedgwick in favor of it. The committee rose without deciding—and the house adjourned.

TUESDAY, APRIL 6.

The engrossed bill, further to suspend part of the collection law, was read—the blank filled up, and the bill passed to be enacted.

The bill for the relief of certain officers therein described, was read the second time—and referred to a committee of the whole House.

A memorial of Joseph Henderson was read, and referred to the Secretary of the Treasury.

A report from the Secretary of the Treasury, on the memorial of the Baron de Steuben was read.

In committee of the whole House on the act for the punishment of certain crimes against the United States.—The motion for striking out the clause respecting the bodies of murderers being delivered to surgeons after execution, for dissection, was further debated—a number of gentlemen spoke on each side of the question—the affirmative was supported by Mr. Page, Mr. Heifler, Mr. Jackson, Mr. Stone, Mr. Tucker, and Mr. Clymer—the negative by Mr. Huntington, Mr. Madison, Mr. Smith (S. C.) Mr. Sedgwick, Mr. Williamson, and Mr. Ames; and the motion being put, was negatived—and the clause retained.

Several other motions for amendments were negatived; but the committee rose without finishing the discussion of the bill.

Hon. Timothy Bloodworth, member from N. Carolina appeared, produced his credentials and took his seat. Adjourned.

NEW-YORK, APRIL 7.

APPOINTMENTS.

Hon. RUFUS PUTNAM, Judge of the Western Territory, vice Hon. SAMUEL H. PARSONS, deceased.

From a Newbern (N. C.) paper.

By a letter from Hillsborough of the 8th inst. we learn that the greatest part of that town had been destroyed by fire a few days before.

The Hon. JOHN STOKES, Esq; is elected one of the Representatives of this State in Congress.