have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant or order of survey, granted by the Spanish government, as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the United States.

Sec. 3. And be it further enacted, That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence for the purpose of supporting or invalidating the grant, warrant or order of survey as aforesaid; and the judgment, sentence or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same or any other court, for the recovery of the same land or any part thereof.

Sec. 4. And be it further enacted, That Abraham Ellis be, and he is hereby confirmed in a tract of land granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying and being on the waters of Boyd's creek, according to the metes and bounds of said tract of land set forth in the plat thereof made by the surveyor-general of said province of West Florida; and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public monies west of Pearl river, in the Mississippi territory, for said tract of land, be refunded to him by the receiver aforesaid.

Sec. 5. And be it further enacted, That Daniel Harregal be and he is hereby confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the register of the land-office, west of Pearl river, in the Mississippi territory.

APPROVED, February 28, 1809.

CHAP. XXIII.—An Act for the relief of certain Alabama and Wyandott Indians.

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 be, and he is hereby authorized to cause to be surveyed and designated by proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States, lying in the territory of Orleans, and west of the river Mississippi, and by lease vest the said tract of land in a certain tribe of Alabama Indians and their descendants, for the term of fifty years: Provided nevertheless, that it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer, or assignment, shall be null and void: And provided also, that if the said tribe of Indians shall remove from the said tract of land, their interest in, and to, the same shall thenceforth cease and determine.

Sec. 2. And be it further enacted, That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan territory, one including the village called Brown's town, and the other the village called Magnaqua in the possession of the Wyandott tribe of Indians, containing in the whole not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandotts, and their descendants, and be secured to them in the same manner, and on the same terms and conditions as is provided in relation to the Alabama Indians, by the first section of this act.

APPROVED, February 28, 1809.
STATUTE II.

March 1, 1809.

(Expired.)

Act of June 28, 1809, ch. 9.

Entrance of the ports and harbors of the United States forbidden to the public vessels of England and France, after March 1, 1809.

President may cause eventual measures to be taken by the naval forces and militia.

Intercourse with such vessels forbidden, or to supply them with necessities.

Penalties, from 100 to 10,000 dollars.

CHAP. XXIV.—An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes. (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

SEC. 2. And be it further enacted, That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers or crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall

(a) Cases decided on the non-intercourse laws:—

Upon an indictment under the non-intercourse laws, for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9, 1809, the punishment of which offence is a fine of four times the value of the goods, it is not necessary that the jury should find the value of the goods. United States v. John Tyler, 7 Cranch, 286; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. The Brig Penobscot v. The United States, 7 Cranch, 389; 2 Cond. Rep. 542.

Wines, the produce of France, imported into the United States before the non-intercourse act, re-exported to a Danish island, and there sold to a merchant of that place; and thence exported to New Orleans, during the operation of the non-intercourse law, were liable to forfeiture under that law. The schooner Hoppet v. The United States, 7 Cranch, 506; 2 Cond. Rep. 593.

The non-intercourse act of March 1, 1809, was in force between the 2d of February and the 2d of March, 1811, by virtue of the President's proclamation of November 2, 1810. The schooner Anne v. The United States, 7 Cranch, 570.

The non-intercourse act of 25th June, 1809, which requires a vessel bound to a permitted port, to give bond in double the amount of vessel and cargo, not to go to a prohibited port, is applicable to a vessel sailing in ballast. The ship Richmond v. The United States, 9 Cranch, 102; 2 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay-off the coast of the United States, to receive instructions from her owners in New York; and if necessary, to drop anchor; and in case of a storm to make a harbor; and if prevented by a mutiny of her crew from putting to sea again, she might wait in the waters of the United States for orders. The cargo of the ship Fanny, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the 2d section of the act of 25th June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. The Edward, Scott claimant. 1 Wheat. 391; 3 Cond. Rep. 565.

The obvious intention of the legislature of the United States, by the non-intercourse laws, was to prohibit the American citizens and property from a commerce with foreign nations. The Sally and cargo, 1 Gillus. C. C. R. 58.

At no time was it illegal for a foreign vessel to depart from the United States in ballast. Ibid.