

ACTS OF THE SECOND CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the fifth day of November, 1792, and ended on the second day of March, 1793.

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, JOHN LANGDON, President of the Senate pro tempore, on the second of March 1793, JONATHAN TRUMBULL, Speaker of the House of Representatives.

STATUTE II.

CHAPTER I.—*An Act concerning the registering and recording of ships or vessels.*(a) Dec. 31, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That ships or vessels shall be

(a) The decisions of the courts of the United States on the acts relating to the registering of ships and vessels, have been:

An American registered vessel, in part transferred by grant while at sea, to an American citizen, and re-sold to her original owners on her return into port before her entry, does not, by that operation, lose her privilege as an American bottom, nor become subject to foreign duties. *The United States v. Willings and Francis*, 4 Cranch, 48; 2 Cond. Rep. 20.

In case of alienation to a foreigner, the privileges of an American bottom are ipso facto forfeited; but in case of alienation to a citizen, they are not forfeited until after she ought to have been registered anew; and the oath which entitles her owner to enter as an American bottom, does not require such new register. *Ibid.*

The register is the only document which needs be on board during a period of universal peace, in compliance with the warranty of national character. *Catlett v. The Pacific Ins. Comp.*, Paine's C. C. R. 594.

If one of two partners in a house of trade in the United States, obtain a register for a vessel as a vessel of the United States, by swearing that he, together with his partner of the city of New York, are the sole owners of the vessel, when, in fact, his partner is domicilled in England, the vessel is liable to forfeiture under the act of December 31, 1792. *The Venus*, 8 Cranch, 253; 3 Cond. Rep. 109.

A transfer of a vessel of the United States to a foreign subject in a foreign port, for the purpose of evading the revenue laws of a foreign country with an understanding that she is to be afterwards re-conveyed to the former owner, works a forfeiture of the vessel under the 16th section of the registering act of December 31, 1792, unless the transfer is made known in the manner prescribed by the 7th section of the act. *The Margaret*, 9 Wheat, 421; 5 Cond. Rep. 638.

The proviso in the 16th section of the registry act, being by way of exception from the enacting clause, need not be taken notice of in a libel filed to enforce a forfeiture. The proviso applies only to the case of a part owner. *Ibid.*

By the law of the United States relating to the registry and enrolling of vessels, the inaccurate recital of the certificate of registry on a bill of sale does not, as in England, avoid the sale; but merely deprives the vessel of her American character. *Phillips v. Ledley*, 1 Wash. C. C. R. 226.

If a registered vessel is assigned to a foreigner, she is only deprived of her American character. The sale of a licensed vessel to a foreigner is not void, but the vessel is liable to forfeiture. *Ibid.*

Under the act of Congress of December 31, 1792, which declares, that "if a false oath be taken to procure a register for a vessel, the vessel, or its value, shall be forfeited," the United States have an election to proceed against the vessel as forfeited, or against the person who took the false oath, for its value. But until that election is made, the property does not vest in the United States, and the United States cannot maintain an action for money had and received against the assignees of the person who took the oath, and who became bankrupt; the assignees having sold the vessel and recovered the purchase money before the seizure of the vessel. *The United States v. Grundy et al.*, 3 Cranch, 337; 1 Cond. Rep. 554.

Under the 27th section of the registry act of 1792, vessels which have not been previously registered, as well as those which have been previously registered, may be forfeited by a fraudulent use of the certificate of register. *The Neptune*, 3 Wheat, 601; 4 Cond. Rep. 351.

A citizen of the United States, resident in a foreign country, may, under the act of December 31, 1792, command a registered vessel of the United States, without her right to the payment of domestic duties being affected thereby; but under the same act he cannot be the owner of a vessel of the United States. *United States v. Gillies*, Peters's C. C. R. 159.

By the licensing act of February 18, 1793, no coaster can be sold in a foreign port, unless her license

deemed of the
United States.
Sep. 1, 1789,
ch. 11.

to enjoy the
privileges only
while owned,
&c. by citizens
of U. States.

What ships or
vessels may be
registered.

June 27, 1797,
ch. 5.

March 27,
1804, ch. 52.

Registry bene-
fits of, confined
to actual resi-
dents,

unless in capa-
city of consul or
agent for a
house of trade.

Ships or ves-
sels by whom
registered.

Ships or ves-
sels name &c.
to be painted on
the stern, &c.

forfeiture on ne-
glect thereof.

vessels, which shall have been registered by virtue of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those which after the last day of March next, shall be registered, pursuant to this act, and no other (except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them) shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels: *Provided*, That they shall not continue to enjoy the same, longer than they shall continue to be wholly owned, and to be commanded by a citizen or citizens of the said states.

SEC. 2. *And be it further enacted*, That ships or vessels built within the United States, whether before or after, the fourth of July, one thousand seven hundred and seventy-six, and belonging wholly to a citizen or citizens thereof, or not built within the said states, but on the sixteenth day of May, in the year one thousand seven hundred and eighty-nine, belonging and thenceforth continuing to belong to a citizen or citizens thereof, and ships or vessels which may hereafter be captured in war, by such citizen or citizens, and lawfully condemned as prize, or which have been, or may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by a citizen or citizens thereof, and no other, may be registered as herein after directed: *Provided*, That no such ship or vessel shall be entitled to be so registered, or if registered, to the benefits thereof, if owned in whole, or in part, by any citizen of the United States, who usually resides in a foreign country, during the continuance of such residence, unless such citizen be in the capacity of a consul of the United States, or an agent for, and a partner in, some house of trade or co-partnership, consisting of citizens of the said states actually carrying on trade within the said states: *And provided further*, That no ship or vessel, built within the United States, prior to the said sixteenth day of May, which was not then owned wholly, or in part, by a citizen or citizens of the United States, shall be capable of being registered, by virtue of any transfer to a citizen or citizens, which may hereafter be made, unless by way of prize or forfeiture: *Provided nevertheless*, That this shall not be construed to prevent the registering anew, of any ship or vessel, which was before registered, pursuant to the act before mentioned.

SEC. 3. *And be it further enacted*, That every ship or vessel, hereafter to be registered (except as is herein after provided) shall be registered by the collector of the district in which shall be comprehended the port to which such ship or vessel shall belong, at the time of her registry, which port shall be deemed to be that, at or nearest to which, the owner, if there be but one, or if more than one, the husband or acting and managing owner of such ship or vessel, usually resides. And the name of the said ship or vessel, and of the port to which she shall so belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. And if any ship or vessel of the United States, shall be found, without having her name, and the name of the port, to which she belongs, painted in manner aforesaid, the owner or owners shall forfeit fifty dollars; one half to the person

be previously surrendered, nor is her American character changed by such transfer. But if she be condemned for a violation of that law, and sold under an order of court, she may become foreign property. *United States v. The Hawke*, Bee's Adm. Rep. 34. See also the *United States v. The Brig Burdett*, 9 Peters, 682.

By the act of 1793, no registered ship or vessel can, while she remains registered, engage in the whale fisheries, but she must surrender her register, and be enrolled and licensed for the fisheries. *The United States v. Rogers*, 3 Sumner's C. C. R. 342.

By the arrival of a vessel sailing under a temporary register at her home port, within the meaning of the 3d section of the coasting act of 1793, is meant an arrival in the regular course of an employment, at one of the termini of her voyage, or for an object connected with, and making part of, the business in which she is engaged. *United States v. Shackford*, Ware's D. C. R. 171.

giving the information thereof; the other half to the use of the United States.

SEC. 4. *And be it further enacted*, That in order to the registry of any ship or vessel, an oath or affirmation shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, who is hereby empowered to administer the same, declaring, according to the best of the knowledge and belief of the person so swearing or affirming, the name of such ship or vessel, her burthen, the place where she was built, if built within the United States, and the year in which she was built; and if built within the United States, before the said sixteenth day of May, one thousand seven hundred and eighty-nine, that she was then owned wholly, or in part, by a citizen or citizens of the United States; and if not built within the said states, that she was, on the said sixteenth day of May, and ever since, hath continued to be, the entire property of a citizen or citizens of the United States; or that she was, at some time posterior to the time when this act shall take effect, (specifying the said time) captured in war by a citizen or citizens of the said states, and lawfully condemned as prize (producing a copy of the sentence of condemnation, authenticated in the usual forms) or that she has been adjudged to be forfeited for a breach of the laws of the United States, (producing a like copy of the sentence whereby she shall have been so adjudged) and declaring his or her name and place of abode, and if he or she be the sole owner of the said ship or vessel that such is the case; or if there be another owner or other owners, that there is or are such other owner or owners, specifying his, her, or their name or names, and place or places of abode, and that he, she, or they, as the case may be, so swearing or affirming, is or are citizens of the United States; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for, and a partner in, a house or co-partnership, consisting of citizens of the United States, and actually carrying on trade within the United States, that such is the case, and that there is no subject or citizen of any foreign prince or state, directly, or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits, or issues thereof; and that the master, or commander thereof is a citizen, naming the said master, or commander, and stating the means whereby, or manner in which, he is so a citizen. And in case, any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party, so swearing, or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person, by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath, or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars: *And provided further*, That in the case of a ship, or vessel, built within the United States, prior to the sixteenth day of May aforesaid, which was not then owned by a citizen or citizens of the United States, but which, by virtue of a transfer to such citizen or citizens, shall have been registered, pursuant to the act before mentioned, the oath or affirmation, hereby required, shall and may be varied, ac-

Registry how to be obtained,

substance of the oath to be taken before registering officer.

Substance of oath for obtaining registry of ships or vessels.

Forfeiture of vessel, &c. on swearing falsely.

How recovered.

In what cases masters of vessels, &c. shall make oath as to citizenship

and, if not true, to forfeit \$1000.

How the oath may be varied.

cording to the truth of the case, as often as it shall be requisite to grant a new register for such ship or vessel.

Like oath to be taken by other owners (if any) than the applicant, &c.

within 90 days.

Before whom,

on failure, certificate of registry forfeited.

Ships, &c. how and by whom measured,

1790, ch. 35.

certificate thereof given.

In what cases, ships, &c. not to be measured anew.

Bonds, how and by whom given, for faithful use of certificate of registry, &c.

SEC. 5. *And be it further enacted*, That it shall be the duty of every owner, resident within the United States, of any ship or vessel, to which a certificate of registry may be granted, (in case there be more than one such owner) to transmit to the collector, who may have granted the same, a like oath or affirmation with that herein before directed to be taken and subscribed by the owner, on whose application, such certificate shall have been granted, and within ninety days after the same may have been so granted; which oath or affirmation may, at the option of the party, be taken and subscribed either before the said collector, or before the collector of some other district, or a judge of the supreme, or a district court of the United States, or of a superior court of original jurisdiction of some one of the states. And if such oath or affirmation shall not be taken, subscribed and transmitted, as is herein required, the certificate of registry, granted to such ship or vessel, shall be forfeit and void.

SEC. 6. *And be it further enacted*, That before any ship or vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the said ship or vessel may be, and if there be none, by such person as the collector of the district, within which she may be, shall appoint, according to the rule prescribed by the forty-third section of the act, intituled "An act to provide more effectually, for the collection of the duties imposed by law on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels." And the officer, or person, by whom such admeasurement shall be made, shall, for the information of, and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the built of such ship or vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a ship or vessel; and that her name, and the place to which she belongs, are painted on her stern, in manner required by the third section of this act: which certificate shall be countersigned by an owner, or by the master of such ship or vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which, the said certificate shall not be valid. But in all cases, where a ship or vessel has before been registered, as a ship or vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; except such ship or vessel shall have undergone some alteration, as to her burthen, subsequent to the time of her former registry.

SEC. 7. *And be it further enacted*, That, previous to the registry of any ship or vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district, whose duty it is to make such registry, shall become bound to the United States, if such ship or vessel shall be of burthen not exceeding fifty tons, in the sum of four hundred dollars; if of burthen above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burthen above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burthen above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burthen exceeding three hundred tons, in the sum of two thousand dollars; with condition, in each case, that the certificate of such registry, shall be solely used for the ship, or vessel, for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever; and that, in case such ship or vessel shall be lost, or taken by an enemy, burnt, or

broken up, or shall be otherwise prevented from returning to the port to which she may belong, the said certificate, if preserved, shall be delivered up, within eight days after the arrival of the master, or person, having the charge or command of such ship or vessel, within any district of the United States, to the collector of such district: And that if any foreigner, or any person or persons, for the use and benefit of such foreigner, shall purchase, or otherwise become entitled to the whole, or any part or share of, or interest in, such ship or vessel, the same being within a district of the United States, the said certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; and that if any such purchase, change, or transfer of property, shall happen, when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; and every such certificate, so delivered up, shall be forthwith transmitted to the register of the treasury, to be cancelled, who, if the same shall have been delivered up to a collector, other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of the said district.

In what case
certificate of
registry given
up, &c.

SEC. 8. *And be it further enacted*, That in order to the registry of any ship or vessel, which, after the last day of March next, shall be built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom, or under whose direction, the said ship or vessel shall have been built, testifying, that she was built by him, or under his direction, and specifying the place where, the time when, and the person or persons for whom, and describing her built, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances, as are usually descriptive of the identity of a ship or vessel; which certificate shall be sufficient to authorize the removal of a new vessel, from the district where she may be built, to another district in the same, or an adjoining state, where the owner or owners actually reside, provided it be with ballast only.

Vessels built
in U. S. after
March 1793,
how to obtain
register.
March 2, 1803,
ch. 18.
March 26, 1810,
ch. 19.
March 3, 1813,
ch. 50.

SEC. 9. *And be it further enacted*, That the several matters herein before required, having been complied with, in order to the registering of any ship or vessel, the collector of the district comprehending the port to which she shall belong, shall make, and keep, in some proper book, a record or registry thereof, and shall grant an abstract or certificate of such record or registry, as nearly as may be, in the form following:

Collector to
keep record of
registry,

"In pursuance of an act of the Congress of the United States of America, intituled "An act concerning the registering and recording of ships or vessels," [inserting here the name, occupation, and place of abode, of the person by whom the oath or affirmation aforesaid, shall have been made] having taken or subscribed the oath (or affirmation) required by the said act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the other owner or owners) is (or are) the only owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here, when and where built] and [inserting here, the name and office, if any, of the person by whom she shall have been surveyed or admeasured] having certified that the said ship or vessel has [inserting here the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the num-

and grant certi-
ficate thereof.

Form of certi-
ficate of registry.

ber of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying whether she has any, or no gallery or head] and the said [naming the owner, or the master, or other person, acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned, as aforesaid] having agreed to the description and admeasurement, above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly registered at the port of [naming the port where registered.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year, in words at length;"] *Provided*, That if the master, or person having the charge or command of such ship or vessel, shall, himself, have made oath or affirmation touching his being a citizen, the wording of the said certificate shall be varied so as to be conformable to the truth of the case: *And Provided*, That where a new certificate of registry is granted, in consequence of any transfer of a ship or vessel, the words shall be so varied, as to refer to the former certificate of registry, for her admeasurement.

How certificate of registry may be varied.

Secretary of the Treasury, to furnish forms of certificates of registry.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the treasury, to cause to be prepared, and transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the said certificates of registry, attested under the seal of the treasury, and the hand of the register thereof, with proper blanks, to be filled by the said collectors, respectively, by whom also, the said certificates shall be signed and sealed, before they shall be issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him; and a copy of each, shall be transmitted to the said register, who shall cause a record to be kept of the same.

Citizens purchasing vessels out of their proper district how to obtain register.

March 3, 1813, ch. 50.

To be delivered on arriving at their proper port to the collector, who to grant a new one.

SEC. 11. *And be it further enacted*, That where any citizen or citizens of the United States, shall purchase, or become owner or owners of any ship or vessel, entitled to be registered, by virtue of this act, such ship or vessel, being within any district, other than the one, in which he or they usually reside, such ship or vessel shall be entitled to be registered by the collector of the district, where such ship or vessel may be, at the time of his or their becoming owner or owners thereof, upon his or their complying with the provisions herein before prescribed, in order to the registry of ships or vessels: And the oath or affirmation which is required to be taken, may, at the option of such owner or owners, be taken, either before the collector of the district, comprehending the port to which such ship or vessel may belong, or before the collector of the district, within which, such ship or vessel may be, either of whom, is hereby empowered to administer the same: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector who shall receive the same, to the collector who shall have granted it: and if the said first mentioned certificate of registry, shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which such ship or vessel may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit; and

the said certificate of registry shall be thenceforth void. And in case, any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party, so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

SEC. 12. *And be it further enacted*, That when any ship or vessel, entitled to be registered, pursuant to this act, shall be purchased by an agent or attorney for, or on account of a citizen or citizens of the United States, such ship or vessel, being in a district of the United States, more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this act, such ship or vessel ought to be deemed to belong, it shall be lawful for the collector of the district, where such ship or vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the said ship or vessel, the said agent or attorney, first complying, on behalf, and in the stead of, the owner or owners thereof, with the requisites prescribed by this act, in order to the registry of ships or vessels, except, that in the oath or affirmation, which shall be taken by the said agent or attorney, instead of swearing or affirming that he is owner, or an owner of such ship or vessel, he shall swear or affirm, that he is agent or attorney for the owner or owners thereof, and that he hath bona fide purchased the said ship or vessel, for the person or persons, whom he shall name and describe as the owner or owners thereof: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector, who shall transmit the same to the collector who shall have granted it. And if the said first mentioned certificate of registry, shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which she may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit, and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he

Vessels purchased by agents how registered.

shall, himself, make oath or affirmation, instead of the said agent or attorney, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

Oath to be taken on losing certificate of registry.

SEC. 13. *And be it further enacted*, That if the certificate of the registry of any ship or vessel shall be lost or destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath or affirmation, before the collector of the district where such ship or vessel shall first be, after such loss, destruction, or mislaying, who is hereby authorized to administer the same, which oath or affirmation shall be of the form following: "I (inserting here the name of the person swearing or affirming) being master (or having the charge or command) of the ship or vessel, called the (inserting the name of the vessel) do swear (or affirm) that the said ship, or vessel hath been, as I verily believe, registered, according to law, by the name of (inserting again the name of the vessel) and that a certificate thereof was granted by the collector of the district of (naming the district, where registered) which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be,) and (except, where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district, in which it was granted;" which oath, or affirmation shall be subscribed by the party making the same, and upon such oath or affirmation being made, and the other requisites of this act, in order to the registry of ships, or vessels, being complied with, it shall be lawful for the collector of the district, before whom such oath or affirmation is made, to grant a new register, inserting therein, that the same is issued, in the room of the one lost or destroyed. But in all cases, where a register shall be granted, in lieu of the one lost or destroyed, by any other than the collector of the district, to which the ship, or vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of the said district, who shall, thereupon, grant a new register, in lieu thereof. And in case the master, or commander shall neglect to deliver up such register within the time aforesaid, he shall forfeit one hundred dollars; and the former register shall become null and void.

Vessels sold &c. to be registered anew.

SEC. 14. *And be it further enacted*, That when any ship or vessel, which shall have been registered, pursuant to this act, or the act hereby, in part, repealed, shall, in whole, or in part, be sold, or transferred to a citizen or citizens of the United States, or shall be altered in form or burthen, by being lengthened, or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in every such case, the said ship or vessel shall be registered anew, by her former name, according to the directions herein before contained, (otherwise she shall cease to be deemed a ship or vessel of the United States) and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time, that the same shall be made to be by him transmitted to the register of the treasury who shall cause the same to be cancelled. And in every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the said certificate, otherwise the said ship or vessel shall be incapable of being so registered anew. And in every case, in which a ship or vessel is hereby required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a ship or vessel of the United States. And further, if her said former certificate of regis-

March 2, 1797,
ch. 7.

try shall not be delivered up, as aforesaid, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath or affirmation thereof shall have been made, as aforesaid, the owner or owners of such ship or vessel shall forfeit and pay the sum of five hundred dollars, to be recovered, with costs of suit.

SEC. 15. *And be it further enacted*, That when the master, or person having the charge or command of a ship or vessel, registered pursuant to this act, or the act hereby in part repealed, shall be changed, the owner, or one of the owners, or the new master of such ship or vessel, shall report such change to the collector of the district where the same shall happen, or where the said ship or vessel shall first be, after the same shall have happened, and shall produce to him the certificate of registry of such ship or vessel, and shall make oath or affirmation, showing that such new master is a citizen of the United States, and the manner in which, or means whereby, he is so a citizen; whereupon the said collector shall endorse upon the said certificate of registry, a memorandum of such change, specifying the name of such new master, and shall subscribe the said memorandum with his name, and if other than the collector of the district, by whom the said certificate of registry shall have been granted, shall transmit a copy of the said memorandum to him, with notice of the particular ship or vessel, to which it shall relate; and the collector of the district, by whom the said certificate shall have been granted, shall make a like memorandum of such change, in his book of registers, and shall transmit a copy thereof, to the register of the treasury. And if the said change shall not be reported, or if the said oath or affirmation shall not be taken, as above directed, the registry of such ship or vessel shall be void, and the said master, or person, having the charge or command of her shall forfeit and pay the sum of one hundred dollars.

Owner or master to report such change to collector.

SEC. 16. *And be it further enacted*, That if any ship or vessel, heretofore registered, or which shall hereafter be registered, as a ship or vessel of the United States, shall be sold or transferred, in whole or in part by way of trust, confidence or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, in manner herein before directed, such ship or vessel, together with her tackle, apparel, and furniture shall be forfeited: *Provided*, That if such ship or vessel shall be owned in part only, and it shall be made appear to the jury, before whom the trial for such forfeiture shall be had, that any other owner of such ship or vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture; and the residue only shall be so forfeited.

Vessels sold to foreigners forfeited on neglect to make such report.

SEC. 17. *And be it further enacted*, That upon the entry of every ship or vessel of the United States, from any foreign port or place, if the same shall be at the port or place, at which the owner, or any of the part owners reside, such owner or part owner shall make oath or affirmation, that the register of such ship or vessel contains the name or names of all the persons, who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred, since the granting of such register, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by the way of trust, confidence, or otherwise, in such ship or vessel. And if the owner, or any part owner, shall not reside at the port or place, at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation, to the like effect. And if the owner, or part owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges of a ship or vessel of the United States.

Oath on entry of vessel of U. S. from foreign ports.

Collector,
how to proceed
on delivering up
the register.

SEC. 18. *And be it further enacted*, That, in all cases, where the master, commander, or owner of a ship or vessel, shall deliver up the register of such ship or vessel, agreeable to the provisions of this act, if to the collector of the district, where the same shall have been granted, the said collector shall, thereupon, cancel the bond, which shall have been given at the time of granting such register; or, if to the collector of any other district, such collector shall grant to the said master, commander, or owner, a receipt or acknowledgment, that such register has been delivered to him, and the time, when; and upon such receipt being produced to the collector, by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Certificates of
registry to be
numbered.

SEC. 19. *And be it further enacted*, That the collector of each district shall progressively number the certificates of the registry by him granted, beginning anew, at the commencement of each year, and shall enter an exact copy of each certificate, in a book to be kept for that purpose; and shall, once in three months, transmit to the register of the treasury, copies of all the certificates, which shall have been granted by him, including the number of each.

Ships built in
U. S. after 15th
Aug. 1789, how
to obtain regis-
try.

SEC. 20. *And be it further enacted*, That every ship or vessel, built in the United States, after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly, or in part, to the subjects of foreign powers, in order to be entitled to the benefits of a ship, built and recorded in the United States, shall be recorded in the office of the collector of the district, in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation, before the collector of such district, who is hereby authorized to administer the same, in manner following: "I (inserting here the name of such builder) of (inserting here the place of his residence) shipwright, do swear (or affirm) that (describing here the kind of vessel, as, whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel) having (inserting here the number of decks) and being, in length (inserting here the number of feet) in breadth (inserting here the number of feet) in depth (inserting here the number of feet) and measuring (inserting here the number of tons) having (specifying, whether any or no) gallery, and (also specifying, whether any or no) head, was built by me, or under my direction, at (naming the place, county, and state) in the United States, in the year (inserting here the number of the year;)" which oath, or affirmation, shall be subscribed by the person making the same, and shall be recorded in a book, to be kept, by the said collector, for that purpose.

Collector to
have them sur-
veyed.

1790, ch. 35,
sec. 44.

SEC. 21. *And be it further enacted*, That the said collector shall cause the said ship or vessel to be surveyed or admeasured, according to the rule, prescribed by the forty-third section of the act, intitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and the person, by whom such admeasurement shall be made, shall grant a certificate thereof, as in the case of a ship or vessel to be registered; which certificate shall be countersigned by the said builder, and by an owner, or the master, or person having the command or charge thereof, or by some other person, being an agent for the owner or owners thereof, in testimony of the truth of the particulars therein contained.

And grant
certificate of
the record.

SEC. 22. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the said collector, shall be granted to the master of every such ship or vessel, as nearly as may be, of the form following: "In pursuance of an act, intitled 'An act concerning the registering and recording of ships or vessels,' I

(inserting here the name of the collector of the district) of (inserting here the name of the district) in the United States, do certify, that (inserting here the name of the builder) of (inserting here the place of his residence, county, and state) having sworn, or affirmed, that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name) whereof (inserting here the name of the master) is, at present, master, was built at (inserting here the name of the place, county, and state, where built) by him, or under his direction, in the year (inserting here the number of the year) and (inserting here the name of the surveyor, or other person, by whom the same admeasurement shall have been made) having certified, that the said ship or vessel has (inserting here her number of decks) is, in length (inserting here the number of feet) in breadth (inserting here the number of feet) in depth (inserting here the number of feet) and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said ship or vessel has been recorded, in the district of (inserting here the name of the district, where recorded) in the United States: Witness my hand and seal, this (inserting here the day of the month) day of (inserting here the name of the month) in the year (inserting here the number of the year)"; which certificate shall be recorded in the office of the said collector, and a duplicate thereof transmitted to the register of the treasury of the United States, to be recorded in his office.

Oath on entry of a vessel of the U. States from foreign parts.

SEC. 23. *And be it further enacted*, That if the master, or the name, of any ship or vessel so recorded, shall be changed, the owner, part owner, or consignee of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district, where such ship or vessel may be, or at which she shall first arrive, if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted, by the said collector, to the collector of the district, where such certificate was granted (if not the same person), who shall enter the same in his book of records, and forward a duplicate of such entry, to the register of the treasury of the United States; and in such case, until the said owner, part owner, or consignee, shall cause the said memorandum to be made, by the collector, in manner aforesaid, such ship or vessel shall not be deemed, or considered, as a vessel recorded, in pursuance of this act.

Changes of master or name of the ship, to be endorsed on certificate of record.

SEC. 24. *And be it further enacted*, That the master, or other person having the command or charge of any ship or vessel, recorded in pursuance of this act, shall, on entry of such ship or vessel, produce the certificate of such record, to the collector of the district, where she shall be so entered; in failure of which, the said ship or vessel shall not be entitled to the privileges of a vessel, recorded as aforesaid: *Provided always, and be it further enacted*, That nothing herein contained shall be construed to make it necessary to record, a second time, any ship or vessel, which shall have been recorded, pursuant to the act, hereby in part repealed: but such recording shall be of the like force and effect, as if made, pursuant to this act.

Certificate to be produced on entry,

in failure to forfeit privileges of this act.

SEC. 25. *And be it further enacted*, That the fees and allowances, for the several services to be performed, pursuant to this act, and the distribution of the same, shall be as follows, to wit: For the admeasurement of every ship or vessel, of one hundred tons, and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for every certificate of registry or record,

Fees,

how distributed,

How distributed.

two hundred cents; for every endorsement upon a certificate of registry or record, one hundred cents; and for taking every bond required by this act, twenty-five cents. The whole amount of which fees shall be received, and accounted for, by the collector, or, at his option, by the naval officer, where there is one; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided always*, that in all cases where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid. And every collector, and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous part of his office, a fair table of the rates of fees, demandable by this act.

Penalty on making false registers, or demanding unlawful fees.

SEC. 26. *And be it further enacted*, That every collector, or officer, who shall knowingly make, or be concerned in making, any false register or record, or shall knowingly grant, or be concerned in granting, any false certificate of registry or record of, or for any ship or vessel, or other false document whatsoever, touching the same, contrary to the true intent and meaning of this act, or who shall designedly take any other, or greater fees, than are by this act allowed, or who shall receive any voluntary reward or gratuity, for any of the services performed, pursuant thereto; and every surveyor, or other person appointed to measure any ship or vessel, who shall wilfully deliver to any collector, or naval officer, a false description of such ship or vessel, to be registered or recorded, shall, upon conviction of any such neglect, or offence, forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit, under the United States; and if any person or persons, authorized and required by this act, in respect to his or their office or offices, to perform any act or thing, required to be done or performed, pursuant to any of the provisions of this act, shall wilfully neglect to do or perform the same, according to the true intent and meaning of this act, such person or persons shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall, thenceforth, be rendered incapable of holding any office of trust or profit under the United States.

On fraudulently using certificate of registry.

SEC. 27. *And be it further enacted*, That if any certificate of registry, or record, shall be fraudulently or knowingly used for any ship or vessel, not then actually entitled to the benefit thereof, according to the true intent of this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and furniture.

On making false oath.

SEC. 28. *And be it further enacted*, That if any person or persons shall falsely make oath or affirmation, to any of the matters, herein required to be verified, such person or persons shall suffer the like pains and penalties, as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter, or falsify any certificate, register, record, or other document, mentioned, described or authorized, in and by this act, such person, or persons, shall, for every such offence, forfeit the sum of five hundred dollars.

1790, ch. 9, sec. 18.

SEC. 29. *And be it further enacted*, That all the penalties and forfeitures, which may be incurred, for offences against this act, shall and

may be sued for, prosecuted and recovered, in such courts, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offences against the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels," may legally be sued for, prosecuted, recovered and disposed of: *Provided always*, That if any officer entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness, on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, nor be entitled to any part or share of the said penalty or forfeiture; and the part or share, to which he would otherwise have been entitled, shall accrue to the United States.

SEC. 30. *And be it further enacted*, That from and after the last day of March next, this act shall be in full force and effect; and so much of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," as comes within the purview of this act, shall, after the said last day of March, be repealed.

APPROVED, December 31, 1792.

Penalties how recovered and disposed of.
1790, ch. 35.

When this act shall take effect, &c.
Repealed 1789, ch. 11.

CHAP. II.—*An Act to amend an act intituled "An act establishing a Mint, and regulating the coins of the United States," so far as respects the coinage of copper.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every cent shall contain two hundred and eight grains of copper, and every half cent shall contain one hundred and four grains of copper; and that so much of the act, intituled "An act establishing a mint, and regulating the coins of the United States," as respects the weight of cents and half cents, shall be, and the same is hereby repealed.

APPROVED, January 14, 1793.

STATUTE II.

Jan. 14, 1793.

Act of April 2, 1792, ch. 16.
Contents of cents and half cents.

CHAP. III.—*An Act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress, of the twenty-eighth of September, one thousand seven hundred and eighty-five, as an indemnity to the Persons therein named.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That lawful interest, from the sixteenth day of May, in the year one thousand seven hundred and seventy-six, shall be allowed on the sum of two hundred dollars, ordered to be paid to Return Jonathan Meigs, and the legal representative of Christopher Greene, deceased, by a Resolve of the United States in Congress assembled, of the twenty-eighth day of September, in the year one thousand seven hundred and eighty-five.

APPROVED, January 14, 1793.

STATUTE II.

Jan. 14, 1793.

CHAP. IV.—*An Act to continue in force for a limited time, and to amend the act intituled "An act providing the means of intercourse between the United States and foreign nations."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act providing the means of intercourse between the United States and foreign nations," which would expire at the end of the present session of Congress, be, and the same hereby is, together

STATUTE II.

Feb. 9, 1793.

Act providing intercourse with foreign nations continued.
July 1, 1790, ch. 22.
1796, ch. 41.

with this act, continued in force for the space of one year, from the passing of this act, and from thence until the end of the session of Congress then, or next thereafter holden, and no longer.

Accounts thereof how and when furnished and settled.

SEC. 2. *And be it further enacted*, That in all cases, where any sum or sums of money have issued, or shall hereafter issue, from the treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he hereby is authorized to cause the same to be duly settled annually with the accounting officers of the treasury, in manner following, that is to say; by causing the same to be accounted for, specifically, in all instances, wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates, or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures, as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

APPROVED, February 9, 1793.

STATUTE II.

Feb. 9, 1793.

CHAP. V.—*An Act regulating foreign Coins, and for other purposes.*(a)

Rates of foreign coins established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of July next, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz: The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains and two fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen pennyweights and seven grains; and in proportion for the parts of a dollar. Crowns of France, at the rate of one hundred and ten cents for each crown, the actual weight whereof, shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. But no foreign coin that may have been, or shall be issued subsequent to the first day of January, one thousand seven hundred and ninety-two, shall be a tender, as aforesaid, until samples thereof shall have been found, by assay, at

(a) Acts relating to foreign coins: An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of vessels, August 4, 1790, chap. 35, sec. 40; an act relative to the six dollar of Denmark, March 3, 1791, chap. 19; an act regulating foreign coins, and for other purposes, February 9, 1793, chap. 5; an act supplementary to an act regulating foreign coins, and for other purposes, February 1, 1798, chap. 11; an act to regulate the collection of duties on imports and tonnage, March 2, 1799, chap. 22, sec. 61; an act to suspend in part the act entitled, "An act regulating foreign coins, and for other purposes," April 30, 1802, chap. 33; an act regulating the currency of foreign coins in the United States, April 10, 1806, chap. 22; an act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces, April 29, 1816, chap. 139; an act to continue in force an act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces, March 3, 1819, chap. 96; an act to continue in force an act entitled, "An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces," March 3, 1821, chap. 52; an act to continue in force an act entitled, "An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces," March 3, 1823, chap. 49; an act regulating the value of certain foreign silver coins within the United States, June 25, 1834, chap. 71; an act regulating the value of certain foreign gold coins within the United States, June 28, 1834, chap. 96; an act supplementary to an act entitled, "An act establishing a mint, and regulating the coins of the United States," January 18, 1837, chap. 3, sec. 8; an act regulating the currency of foreign gold and silver coins in the United States, March 3, 1843, chap. 69; an act to fix the value of certain foreign moneys of account in computations at the custom-house, March 3, 1843, chap. 92.

the mint of the United States, to be conformable to the respective standards required, and proclamation thereof shall have been made by the President of the United States.

SEC. 2. *Provided always, and be it further enacted*, That at the expiration of three years next ensuing the time when the coinage of gold and silver, agreeably to the act, entitled "An act establishing a mint, and regulating the coins of the United States," shall commence at the mint of the United States, (which time shall be announced by the proclamation of the President of the United States,) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

When all coins except Spanish dollars shall cease to be a tender.

SEC. 3. *And be it further enacted*, That all foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars,) which shall be received in payment for monies due to the United States, after the said time, when the coining of gold and silver coins shall begin at the mint of the United States, shall, previously to their being issued in circulation, be coined anew, in conformity to the act, entitled "An act establishing a mint and regulating the coins of the United States."

Other foreign coins to be coined anew.

SEC. 4. *And be it further enacted*, That from and after the first day of July next, the fifty-fifth section of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States," which ascertains the rates at which foreign gold and silver coins shall be received for the duties and fees to be collected in virtue of the said act, be, and the same is hereby repealed.

After 1st of July, 1793, 55th section of a certain act rating foreign coins, repealed.
1799, ch. 22, sec. 61.

SEC. 5. *And be it further enacted*, That the assay, provided to be made by the act, entitled "An act establishing a mint, and regulating the coins of the United States," shall commence in the manner as by the said act is prescribed, on the second Monday of February, annually, any thing in the said act to the contrary notwithstanding.

Assay of coins when to commence.
1792, ch. 16, sec. 18.

APPROVED, February 9, 1793.

STATUTE II.

CHAP. VI.—*An Act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted.*

Feb. 12, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all claims upon the United States, for services or supplies, or for other cause, matter or thing, furnished or done, previous to the fourth day of March, one thousand seven hundred and eighty-nine, whether founded upon certificates, or other written documents from public officers, or otherwise, which have not already been barred by any act of limitation, and which shall not be presented at the treasury, before the first day of May, one thousand seven hundred and ninety-four, shall forever after be barred and precluded from settlement or allowance: *Provided*, That nothing herein contained shall be construed to affect loan-office certificates, certificates of final settlement, indents of interest, balances entered in the books of the register of the treasury, certificates issued by the register of the treasury, commonly called registered certificates, loans of money obtained in foreign countries, or certificates issued pursuant to the act, intituled "An act making provision for the debt of the United States:" *And provided further*, That nothing herein contained, shall be construed to prohibit the proper officers of the treasury from demanding an account or accounts to be rendered, for any monies heretofore advanced, and not accounted for, or from admitting, under the usual forms and restrictions, credits for expenditures, equal to the sums which have been so advanced.

[Obsolete.]
Limitation of certain claims against U. S. to 1st May, 1794.

1790, ch. 34.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Auditor of the Treasury, to receive all such claims aforesaid as have

Auditor how to keep record

of claims presented.

not been heretofore barred by any act of limitation, as shall be presented before the time aforesaid, with the certificates, or other documents in support thereof, and to cause a record to be made of the names of the persons, and of the time when the said claims are presented; which record shall be made in the presence of the person or persons presenting the same, and shall be the only evidence that the said claims were presented, during the time limited by this act.

Officers of the treasury to report to Congress claims deemed invalid.

SEC. 3. *And be it further enacted*, That it shall be the duty of the accounting officers of the treasury to make report to Congress, upon all such of the said claims as shall not be allowed to be valid, according to the usual forms of the treasury.

APPROVED, February 12, 1793.

STATUTE II.

Feb. 12, 1793.

CHAP. VII.—*An Act respecting fugitives from justice, and persons escaping from the service of their masters.* (a)

Fugitives from justice how to be apprehended and secured.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the executive authority of any state in the Union, or of either of the territories northwest or south of the river Ohio, shall demand any person as a fugitive from justice, of the executive authority of any such state or territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any state or territory as aforesaid, charging the person so demanded, with having committed treason, felony or other crime, certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged fled, it shall be the duty of the executive authority of the state or territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear: But if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the state or territory making such demand, shall be paid by such state or territory.

Copy of indictment, or affidavit charging the commission of the crime to be produced.

Notice of the arrest to be given to the executive authority making the demand.

Fugitive to be delivered to the agent of the executive, or if no agent appointed within six months, to be discharged.

Expenses of apprehending. Agent to transport the fugitive.

SEC. 2. *And be it further enacted*, That any agent, appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the state or territory from which he or she shall have fled. And if any person or persons shall by force set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

Penalty on persons rescuing fugitive.

Proceedings to be had on escape of persons held to labour.

SEC. 3. *And be it also enacted*, That when a person held to labour in any of the United States, or in either of the territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, (b) and to take him or her before

(a) Fugitives from justice. *Holmes v. Jennison*, governor of Vermont, 14 Peters, 540.

A foreign government has no right, by the law of nations, to demand of the government of the United States a surrender of a citizen or subject of such foreign government, who has committed a crime in his own country, and is afterwards found within the limits of the United States. It is a right which has no existence without, and can only be secured by a treaty stipulation. Case of Jose Ferriera Santos, 2 Brockenb. C. C. R. 493.

(b) Fugitives from labour. In an action for the penalty by the owner of a fugitive slave, for obstructing the plaintiff in arresting and seizing his slave, under the 4th section of the act of Congress of Feb-

any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testi- May be arrested on proof as required, and may be removed to the place

ruary 12, 1793, whether the alleged slave owes his service or labour, is a question for the jury to decide. *Hill v. Low*, 4 Wash. C. C. R. 327.

If the defendant knowingly obstructs the owner or his agent in seizing the fugitive, he cannot excuse himself against the penalty, by pleading ignorance of the law, or an honest belief that the person was not a fugitive from service or labour. *Ibid.*

Mere obstruction, hindrance, or interruption, is no offence under this act, unless it be interposed to prevent a seizure in the first instance, or a re-capture in case the fugitives after seizure should escape; and the offence in such case would be complete, although the owner should ultimately succeed in making the arrest. *Ibid.*

After the arrest is consummated, no subsequent obstruction, whilst the arrest continues, although it should afford an opportunity for escape, amounts to the offence; although it might possibly entitle the owner to an action at common law: or if an escape in consequence of the obstruction should happen, it might amount to the other offence, a rescue. *Ibid.*

The act of Congress, respecting fugitives owing service or labour, does not apply to slaves brought by their masters from one state to another, who afterwards escape or refuse to return. *Ex parte Simmons*, 4 Wash. C. C. R. 396.

A sojourner who brings his slave with him to Pennsylvania, cannot claim him as his slave, after he has resided there six months. He is free by the law of that state of March 1, 1780. *Ibid.*

Under the act respecting fugitives from service of February 12, 1793, the judge or magistrate has no power to issue a warrant to arrest the fugitive, or commit him after the investigation is over, and the certificate is granted; although in practice the judge commits *de die in diem* pending the examination. The whole power is to examine, decide, and grant, or refuse the certificate. *Worthington v. Preston*, 4 Wash. C. C. R. 461.

If after the certificate is granted, the owner of a slave delivers him to the gaoler, who receives him, he is not officially liable for an escape, even although the commitment were under a warrant from the examining magistrate. *Ibid.*

Neither is the gaoler liable for an escape, as bailor, if there was no contract to pay him a reward for safe keeping, unless gross negligence be proved. *Ibid.*

On a question of freedom or slavery, the same rules of evidence prevail as in other cases concerning the right of property. *Baldwin's C. C. R. 577.*

A bill of sale is not necessary to pass the right to a slave. *Ibid.*

A citizen of another state, from which a slave absconds into the state of Pennsylvania, may pursue and take him without warrant, and use as much force as is necessary to carry him back to his residence. *Ibid.*

Such an absconding slave may be arrested on Sunday; in the night time; in the house of another, if no breach of the peace is committed. *Ibid.*

This right of the master results from his ownership, and the right to the custody and service of the slave by the common law, and the 11th section of the abolition law of Pennsylvania, and other laws of that state. It is the same right by which bail may arrest the principal in another state. *Ibid.*

The constitution of the United States does not confer, but secures the right to reclaim fugitive slaves against state legislation. *Baldwin's Rep. 579.*

It is no offence against the laws of a state for a master to take his absconding slave to the state from whence he absconded. The offence consists only in taking a free person by force, under the act of Pennsylvania of 1820, and the act of 1780. *Ibid.*

No person has a right to oppose the master in reclaiming his slave, or to demand proof of property. A judge or magistrate cannot order his arrest or detention, without oath, warrant, or probable cause. *Ibid.*

The master may use force in repelling such opposition, or the execution of such order, and the officer who gives such order, and all concerned in its execution, are trespassers. *Ibid.*

It is historically well known that the clause in the constitution of the United States, relating to persons owing service and labour in one state escaping into other states, was to secure to the citizens of the slaveholding states the complete right and title of ownership in their slaves, as property, in every state in the Union into which they might escape from the state where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding states; and indeed was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it is constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevailing in the non-slaveholding states, by preventing them from intermeddling with or obstructing or abolishing the rights of the owners of slaves. *Prigg v. Commonwealth of Pennsylvania*. 16 Peters, 539.

The owner of a fugitive slave has the same right to seize and to take him in a state to which he has escaped or fled, that he had in the state from which he escaped; and it is well known that this right to seize or recapture is universally acknowledged in all the slaveholding states. The court have not the slightest hesitation in holding, that under and in virtue of the constitution, the owner of the slave is clothed with authority in every state of the Union, to seize and recapture his slave; wherever he can do it without any breach of the peace, or illegal violence. In this sense, and to this extent, this clause in the constitution may properly be said to execute itself, and to require no aid from legislation, state or national. *Ibid.*

The constitution does not stop at a mere annunciation of the rights of the owner to seize his absconding or fugitive slave, in the state to which he may have fled. If it had done so, it would have left the owner of the slave, in many cases, utterly without any adequate redress. *Ibid.*

The constitution declares that the fugitive slave shall be delivered up on claim of the party to whom

from whence he fled. money or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such

service or labour may be due. It is exceedingly difficult, if not impracticable, to read this language, and not to feel that it contemplated some further remedial redress than that which might be administered at the hand of the owner himself. "A claim" is to be made. *Ibid.*

"A claim" in a just juridical sense, is a demand of some matter as of right, made by one person upon another to do or to forbear to do some act or thing as a matter of duty. It cannot well be doubted, that the constitution requires the delivery of the fugitive "on the claim" of the master: and the natural inference certainly is, that the national government is clothed with the appropriate authority and functions to enforce it. The fundamental principle applicable to all cases of this sort would seem to be, that where the end is required, the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is intrusted. *Ibid.*

The clause relating to fugitive slaves is found in the national constitution, and not in that of any state. It might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the states are bound to provide means to carry into effect the duties of the national government; nowhere delegated or intrusted to them by the constitution. On the contrary, the natural, if not the necessary conclusion is, that the national government, in the absence of all positive provisions to the contrary, is bound, through its own proper departments, legislative, executive, or judiciary, as the case may require, to carry into effect all the rights and duties imposed upon it by the constitution. *Ibid.*

A claim to a fugitive slave is a controversy in a case "arising under the constitution of the United States," under the express delegation of judicial power given by that instrument. Congress, then, may call that power into activity, for the very purpose of giving effect to the right; and if so, then it may prescribe the mode and extent to which it shall be applied; and how, and under what circumstances, the proceedings shall afford a complete protection and guarantee of the right. *Ibid.*

The provisions of the sections of the act of Congress of 12th February, 1793, on the subject of fugitive slaves, as well as relative to fugitives from justice, cover both the subjects; not because they exhaust the remedies, which may be applied by Congress to enforce the rights, if the provisions shall be found, in practice, not to attain the objects of the constitution: but because they point out all the modes of attaining those objects which Congress have as yet deemed expedient and proper. If this is so, it would seem, upon just principles of construction, that the legislation of Congress, if constitutional, must supersede all state legislation upon the same subject; and by necessary implication prohibit it. For if Congress have a constitutional power to regulate a particular subject, and they do actually regulate it in a given manner, and in a certain form, it cannot be that the state legislatures have a right to interfere. Where Congress have an exclusive power over a subject, it is not competent for state legislation to interfere. *Ibid.*

The clause in the constitution of the United States, relating to fugitives from labour, manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no state law or regulation can in any way qualify, regulate, control, or restrain. Any state law or regulation, which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his services or labour, operates, pro tanto, a discharge of the slave therefrom. The question can never be, how much he is discharged from; but whether he is discharged from any, by the natural or necessary operation of the state laws or state regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive right. *Ibid.*

The constitutionality of the act of Congress relating to fugitives from labour, has been affirmed by the adjudications of the state tribunals, and by those of the courts of the United States. If the question of the constitutionality of the law were one of doubtful construction, such long acquiescence in it, such contemporaneous expositions of it; and such extensive and uniform recognitions would, in the judgment of the court, entitle the question to be considered at rest. Congress, the executive, and the judiciary, have, upon various occasions, acted upon this as a sound and reasonable doctrine. Cited, *Stuart v. Laird*, 1 Cranch, 299. *Martin v. Hunter*, 1 Wheat. 304. *Cohens v. The Commonwealth of Virginia*, 6 Wheat. 264. *Ibid.*

The provisions of the act of 12th February, 1793, relative to fugitive slaves is clearly constitutional in all its leading provisions; and, indeed, with the exception of that part which confers authority on state magistrates, is free from reasonable doubt or difficulty. As to the authority so conferred on state magistrates, while a difference of opinion exists, and may exist on this point, in different states, whether state magistrates are bound to act under it, none is entertained by the court, that state magistrates may, if they choose, exercise the authority, unless prohibited by state legislation. *Ibid.*

The power of legislation in relation to fugitives from labour, is exclusive in the national legislature. *Ibid.*

The right to seize and retake fugitive slaves, and the duty to deliver them up, in whatever state of the Union they may be found, is, under the constitution, recognized as an absolute positive right and duty, pervading the whole Union with an equal and supreme force; uncontrolled and uncontrollable by state sovereignty or state legislation. The right and duty are co-extensive and uniform in remedy and operation throughout the whole Union. The owner has the same security and the same remedial justice, and the same exemption from state regulations and control, through however many states he may pass with the fugitive slave in his possession, in transitu, to his domicile. *Ibid.*

The act of the legislature of Pennsylvania upon which the indictment against Edward Prigg, for carrying away a fugitive slave, is founded, is unconstitutional and void. It purports to punish as a public offence against the state, the very act of seizing and removing a slave by his master, which the constitution of the United States was designed to justify and uphold. *Ibid.*

There is no general principle in the law of nations, which requires a surrender of a fugitive slave. The surrender must be required by compact. *Jones v. Vanzant*, 2 McLean's C. C. R. 596.

judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled.

SEC. 4. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney when so arrested pursuant to the authority herein given or declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labour, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any court proper to try the same; saving moreover to the person claiming such labour or service, his right of action for or on account of the said injuries or either of them.

APPROVED, February 12, 1793.

Penalty on obstructing claimants of fugitives from labour.

STATUTE II.

CHAP. VIII.—*An Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.*

Feb. 18, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That ships or vessels, enrolled by virtue of "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those of twenty tons and upwards, which shall be enrolled after the last day of May next, in pursuance of this act, and having a license in force, or if less than twenty tons, not being enrolled shall have a license in force, as is herein after required, and no others, shall be deemed ships or vessels of the United States, entitled to the privileges of ships or vessels employed in the coasting trade or fisheries.

What ships shall be deemed of the United States.

Ships or vessels enrolled under this act alone entitled to the privileges of the coasting trade.

Act of Sept. 1, 1789, ch. 11.

SEC. 2. *And be it further enacted*, That from and after the last day of May next, in order for the enrolment of any ship or vessel, she shall possess the same qualifications, and the same requisites, in all respects, shall be complied with, as are made necessary for registering ships or vessels, by the act, intituled "An act concerning the registering and recording of ships or vessels," and the same duties and authorities are hereby given and imposed on all officers, respectively, in relation to such enrolments, and the same proceedings shall be had, in similar cases, touching such enrolments; and the ships or vessels so enrolled, with the master, or owner or owners thereof, shall be subject to the same requi-

Ships to possess the requisites required by a certain act, to obtain enrolment.

Dec. 31, 1792, ch. 1.

1812, ch. 40.

Damages for harboring or concealing a slave, in a free state, are recoverable only by the constitution and act of Congress. *Ibid.*

Notice that the persons harbored or concealed are fugitives from labour, need not be in writing by the claimant, or his agent, nor need it be given by either of them verbally. Notice under the act of Congress, means knowledge. *Ibid.*

If there be evidence conducing to show such notice or knowledge, it will go to the jury, who will judge of its sufficiency. The same principles apply to the evidence of harboring or concealing the fugitives. *Ibid.*

Any overt act, which intentionally places a fugitive from labour beyond the reach of his master, or is calculated to have such an effect, is a harboring of the fugitive within the statute. *Jones v. Vanzant*, 2 McLean's C. C. R. 611.

If the defendant had full knowledge from the negroes or otherwise, that they are fugitives from labour, it is notice under the statute. *Ibid.*

If the plaintiff was subjected to a certain reward, by the laws of Kentucky, for the return of his slaves, and the defendant was the cause of his liability to such payment, it may constitute a part of his damages. *Ibid.*

Where the defendant has been the means of the entire loss of the slave, evidence may be received of the loss of such slave, by showing what his services were worth, as conducing to show that fact, for what sum he might have been sold. *Ibid.*

The act of Congress on the subject of fugitive slaves is constitutional, and does not conflict with the ordinance for the government of the Northwestern territory. *Ibid.*

Form of enrolment.

sites, as are in those respects provided for vessels registered by virtue of the aforesaid act; the record of which enrolment shall be made, and an abstract or copy thereof granted, as nearly as may be, in the form following: "Enrolment in conformity to an act of the Congress of the United States of America, intituled 'An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same' [inserting here, the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made] having taken and subscribed the oath (or affirmation) required by this act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners) is, (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the name of the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed, or admeasured] having certified, that the said ship or vessel has [inserting here the number of decks] and [inserting here the number of masts] and that her length is [inserting here the number of feet] her breadth [inserting here the number of feet] her depth [inserting here the number of feet] and that she measures [inserting here her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying, whether she has any or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly enrolled, at the port of [naming the port where enrolled.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length]."

1798, ch. 77, sec. 2.

On what conditions collectors may enrol vessels.

Vessels may be registered on giving up enrolment.

In such cases enrolment to be transmitted to the Register of the Treasury.

Penalty on failure to deliver up enrolment and license.

Licenses for carrying on the coasting trade.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the collectors of the several districts, to enrol and license any ship or vessel, that may be registered, upon such registry being given up, or to register any ship or vessel, that may be enrolled, upon such enrolment and license being given up. And when any ship or vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master or commander thereof, and upon his taking an oath or affirmation, that according to his best knowledge and belief, the property remains, as expressed in the register or enrolment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchanges aforesaid; but in every such case, the collector, to whom the register, or enrolment and license may be given up, shall transmit the same to the register of the treasury; and the register, or enrolment and license, granted in lieu thereof, shall, within ten days after the arrival of such ship or vessel within the district, to which she belongs, be delivered to the collector of the said district, and be by him cancelled. And if the said master or commander shall neglect to deliver the said register or enrolment and license, within the time aforesaid, he shall forfeit one hundred dollars.

SEC. 4. *And be it further enacted*, That in order to the licensing of any ship or vessel, for carrying on the coasting trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same,

shall become bound to pay to the United States, if such ship or vessel be of the burthen of five tons, and less than twenty tons, the sum of one hundred dollars; and if twenty tons, and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons, and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such ship or vessel has been employed in any trade, whereby the revenue of the United States has been defrauded during the time the license granted to such ship or vessel remained in force; and the master of such ship or vessel shall also swear, or affirm, that he is a citizen of the United States, and that such license shall not be used for any other vessel, or any other employment, than that for which it is specially granted, or in any trade or business, whereby the revenue of the United States may be defrauded; and if such ship or vessel be less than twenty tons burthen, the husband or managing owner shall swear or affirm, that she is wholly the property of a citizen or citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port, whereto such ship or vessel may belong, (the duty of six cents per ton being first paid) to grant a license, in the form following: "License for carrying on the [here insert, coasting trade, whale fishery, or cod fishery, as the case may be.]

Penalty on employing such vessel contrary to the laws of the U. States.

Form of license.

"In pursuance of an act of the Congress of the United States of America, intituled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," [inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode] having given bond, that the [insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be,] called the [insert here, the vessel's name,] whereof the said [naming the master] is master, burthen [insert here, the number of tons, in words] tons, as appears by her enrolment, dated at [naming the district, day, month and year, in words at length, (but if she be less than twenty tons, insert, instead thereof,) proof being had of her admeasurement] shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said [inserting here, the description of the vessel] called the [inserting here the vessel's name] to be employed in carrying on the [inserting here, coasting trade, whale fishery, or cod-fishery, as the case may be] for one year from the date hereof, and no longer: Given under my hand and seal, at [naming the said district] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year in words at length.]"

Form of license to coasting vessels.

SEC. 5. *And be it further enacted*, That no license, granted to any ship or vessel, shall be considered in force, any longer than such ship or vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment, than that for which she is specially licensed, and if any ship or vessel be found with a forged or altered license, or making use of a license granted for any other ship or vessel, such ship or vessel, with her tackle, apparel, and the cargo found on board her, shall be forfeited.

How far licenses shall be deemed in force as long as the vessel shall be owned and employed according to its terms.

SEC. 6. *And be it further enacted*, That after the last day of May next, every ship or vessel of twenty tons or upwards (other than such as are registered) found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed or if less than twenty tons, and not less

Certain vessels not complying with this act.

To pay foreign duties.

Such ship or vessel to be forfeited.

Collectors to number licenses.

To transmit copies of licenses granted by him to the Register of the Treasury.

Vessels before proceeding on a foreign voyage failing to give up enrolment and obtain register.

To be forfeited. *Provido*.

Forfeiture on neglecting to give up license, about to expire.

Forfeiture not to be incurred if license proved to have been mislaid.

than five tons, without a license, in manner as is provided by this act, such ship or vessel, if laden with goods the growth or manufacture of the United States only (distilled spirits excepted) or in ballast, shall pay the same fees and tonnage in every port of the United States, at which she may arrive, as ships or vessels not belonging to a citizen or citizens of the United States, and if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, the ship or vessel, together with her tackle, apparel and furniture, and the lading found on board, shall be forfeited: *Provided*, however, if such ship or vessel be at sea, at the expiration of the time for which the license was given, and the master of such ship or vessel shall swear or affirm that such was the case, and shall also within forty-eight hours after his arrival deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture aforesaid shall not be incurred, nor shall the ship or vessel be liable to pay the fees and tonnage aforesaid.

SEC. 7. *And be it further enacted*, That the collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the register of the treasury, copies of the licenses, which shall have been so granted by him; and also of such licenses, as shall have been given up or returned to him, respectively, in pursuance of this act. And where any ship or vessel shall be licensed, or enrolled anew, or being licensed or enrolled, shall afterwards be registered, or being registered, shall afterwards be enrolled, or licensed, she shall, in every such case, be enrolled, licensed or registered by her former name.

SEC. 8. *And be it further enacted*, That if any ship or vessel, enrolled or licensed, as aforesaid, shall proceed on a foreign voyage, without first giving up her enrolment and license, to the collector of the district comprehending the port, from which she is about to proceed on such foreign voyage, and being duly registered by such collector, every such ship or vessel, together with her tackle, apparel and furniture, and the goods, wares and merchandise, so imported therein, shall be liable to seizure and forfeiture: *Provided always*, if the port, from which such ship or vessel is about to proceed on such foreign voyage, be not within the district, where such ship or vessel is enrolled, the collector of such district shall give to the master of such ship or vessel a certificate, specifying that the enrolment and license of such ship or vessel is received by him, and the time when it was so received; which certificate shall afterwards be delivered by the said master to the collector, who may have granted such enrolment and license.

SEC. 9. *And be it further enacted*, That the license, granted to any ship or vessel, shall be given up to the collector of the district, who may have granted the same, within three days after the expiration of the time, for which it was granted, in case such ship or vessel be then within the district, or if she be absent, at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect, or refuse to deliver up the license, as aforesaid, he shall forfeit fifty dollars; but if such license shall have been previously given up to the collector of any other district, as authorized by this act, and a certificate thereof under the hand of such collector, be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of such ship or vessel shall make and subscribe an oath or affirmation, that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is

herein required, then the aforesaid penalty shall not be incurred. And if such license shall be lost, destroyed, or unintentionally mislaid, as aforesaid, before the expiration of the time for which it was granted, upon the like oath or affirmation being made and subscribed by the master of such ship or vessel, the said collector is hereby authorized and required, upon application being made therefor, to license such ship or vessel anew.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the owner or owners of any licensed ship or vessel, to return such license to the collector who granted the same at any time within the year, for which it was granted, who shall thereupon, cancel the same and shall license such vessel anew, upon the application of the owner or owners, and upon the conditions herein before required, being complied with; and in case the term, for which the former license was granted, shall not be expired, an abatement of the tonnage of six cents per ton shall be made, in the proportion of the time so unexpired.

SEC. 11. *And be it further enacted*, That every licensed ship or vessel shall have her name, and the port to which she belongs painted on her stern, in the manner as is provided for registered ships or vessels, and if any licensed ship or vessel be found, without such painting, the owner or owners thereof shall pay twenty dollars.

SEC. 12. *And be it further enacted*, That when the master of any licensed ship or vessel, ferry boats excepted, shall be changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same may happen, if there be one, otherwise, to the collector residing at any port, where such ship or vessel may next arrive, who, upon the oath or affirmation of such new master, or in case of his absence, of the owner or one of the owners, that he is a citizen of the United States, and that such ship or vessel shall not, while such license continues in force, be employed in any manner, whereby the revenue of the United States may be defrauded, shall endorse such change on the license, with the name of the new master; and when any change shall happen, as aforesaid, and such change shall not be reported, and the endorsement made of such change, as is herein required, such ship or vessel, found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage, as a vessel of the United States, having a register, and the said new master shall forfeit and pay the sum of ten dollars.

SEC. 13. *And be it further enacted*, That it shall be lawful, at all times, for any officer concerned in the collection of the revenue, to inspect the enrolment or license of any ship or vessel; and if the master of any such ship or vessel shall not exhibit the same, when thereunto required by such officer, he shall pay one hundred dollars.

SEC. 14. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, destined from a district in one state, to a district in the same, or an adjoining state on the sea-coast, or on a navigable river, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such ship or vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such ship or vessel, specifying in such manifests, the marks

A new license to be given.

When owners may cancel license, and obtain new ones.

Abatement of the tonnage duty.

Licensed vessels to have name and port painted on the stern.

1792, ch. 1, sec. 3.

Proceedings on change of masters of licensed vessels.

Forfeiture in case of neglect.

By whom enrolments may be inspected.

Duty of masters of licensed coasting vessels, having on board distilled spirits, &c.

exceeding in value \$800, to make out duplicate manifests.

1799, ch. 22.

Duty of mas-
ters of licensed
coasting ves-
sels having on
board distilled
spirits, &c.

1799, ch. 22.

and numbers of every cask, bag, box, chest or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each, and if there be a collector or surveyor, residing at such port, or within five miles thereof, he shall deliver such manifests to the collector, if there be one, otherwise to the surveyor, before whom he shall swear or affirm, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States, that the duties thereupon have been paid or secured, whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said master, with a permit, specifying thereon, generally, the lading on board such ship or vessel, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined, as aforesaid, shall depart from the port where she may then be, without the master or commander having first made out and subscribed duplicate manifests of the lading on board such ship or vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the said collector or surveyor, and obtaining a permit, in manner as is herein required, such master or commander shall pay one hundred dollars.

SEC. 15. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one state, at a district in the same or an adjoining state on the sea-coast, or on a navigable river, shall, previous to the unlading of any part of the cargo of such ship or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed (if there be such manifest), otherwise the duplicate manifests thereof, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm. And if there have been taken on board such ship or vessel, any other or more goods, than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the said master or commander shall make known and particularize the same to the said collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear or affirm: Whereupon, the said collector or surveyor shall grant a permit for unlading a part, or the whole of such cargo, as the said master or commander may request.— And if there be no collector or surveyor, residing at, or within five miles of the said port of her arrival, the master or commander of such ship or vessel may proceed to discharge the lading from on board such ship or vessel, but shall deliver to the collector or surveyor, residing at the first port, where he may next afterwards arrive, and within twenty-four hours of his arrival, the manifest or manifests aforesaid, noting thereon the times when, and places where, the goods therein mentioned have been unladed, to the truth of which, before the said last mentioned collector

or surveyor, he shall swear or affirm; and if the master or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest or manifests, at the times, and in the manner, herein directed, he shall pay one hundred dollars.

SEC. 16. *And be it further enacted*, That the master or commander of every ship or vessel, licensed for carrying on the coasting trade, and being destined from any district of the United States, to a district other than a district in the same, or an adjoining state, on the sea-coast, or on a navigable river, shall, previous to her departure, deliver to the collector residing at the port where such ship or vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, or if there be no cargo on board, he shall so certify, and if there be any distilled spirits, or goods, wares and merchandise, of foreign growth or manufacture on board, other than what may, by the collector, be deemed sufficient for sea stores, he shall specify in such manifests, the marks and numbers of every cask, bag, box, chest or package, containing the same, with the name, and place of residence, of every shipper and consignee of such distilled spirits, or goods of foreign growth or manufacture, and the quantity shipped by, and to each, to be by him subscribed, and to the truth of which, he shall swear or affirm; and shall also swear or affirm before the said collector or surveyor, that such goods, wares, or merchandise, of foreign growth or manufacture, were, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or if spirits distilled within the United States, that the duties thereupon have been duly paid or secured; upon the performance of which, and not before, the said collector or surveyor shall certify the same on the said manifests; one of which he shall return to the master, with a permit, thereto annexed, authorizing him to proceed to the port of his destination. And if any such ship or vessel shall depart from the port where she may then be, having distilled spirits, or goods, wares or merchandise, of foreign growth or manufacture on board, without the several things herein required, being complied with, the master thereof shall forfeit one hundred dollars; or if the lading be of goods, the growth or manufacture of the United States only, or if such ship or vessel have no cargo, and she depart, without the several things herein required, being complied with, the said master shall forfeit and pay fifty dollars.

SEC. 17. *And be it further enacted*, That the master or commander of every ship or vessel, licensed to carry on the coasting trade, arriving at any district of the United States, from any district, other than a district in the same, or an adjoining state on the sea-coast, or on a navigable river, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one, or the other, may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or if at a greater distance, within forty-eight hours next after his arrival; and previous to the unlading any of the goods brought in such ship or vessel, the manifest of the cargo (if there be any) certified by the collector or surveyor of the district from whence she last sailed, and shall make oath or affirmation, before the said collector or surveyor, that there was not when he sailed from the district where his manifest was certified, or has been since, or then is, any more, or other goods, wares or merchandise of foreign growth or manufacture, or distilled spirits (if there be any, other than sea stores, on board such vessel) than is therein mentioned; and if there be no such goods, he shall so swear or affirm; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of

Duty of masters of vessels destined from any district to other than a district in the same or an adjoining state.

Act of March 2, 1799, ch. 22.

Forfeiture on neglecting it.

Amount of forfeiture.

Masters of coasting vessels when and to whom to deliver manifests.

March 2, 1799, ch. 22. under oath.

And obtain
permits for un-
lading.

the district from whence she last sailed, as aforesaid, that such is the case: Whereupon such collector or surveyor shall grant a permit for unlading the whole, or part of such cargo (if there be any) within his district, as the master may request; and where a part only of the goods, wares and merchandise, of foreign growth or manufacture, or of distilled spirits, brought in such ship or vessel, is intended to be landed, the said collector or surveyor shall make an endorsement of such part, on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, endorsing also thereon, his permission for such ship or vessel to proceed to the place of her destination; and if the master of such ship or vessel shall neglect or refuse to deliver the manifest, (or if she has no cargo, the certificate) within the time herein directed, he shall forfeit one hundred dollars, and the goods, wares and merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified, as is herein required, shall be forfeited, and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel and furniture, shall be also forfeited.

In what cases
masters of ves-
sels may be ex-
empt from de-
livering mani-
fests.

SEC. 18. *And be it further enacted*, That nothing in this act contained shall be so construed, as to oblige the master or commander of any ship or vessel, licensed for carrying on the coasting trade, bound from a district in one state, to a district in the same, or an adjoining state on the sea-coast, or on a navigable river, having on board goods, wares or merchandise, of the growth, product or manufactures of the United States only (except distilled spirits) or distilled spirits, not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, tea in chests or boxes not more than five hundred pounds, coffee in casks or bags not more than one thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such ship or vessel, at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest or package, containing the same, with the name of the shipper and consignee of each; which manifest shall be by him exhibited, for the inspection of any officer of the revenue, when, by such officer, thereunto required; and shall also inform such officer, from whence such ship or vessel last sailed, and how long she has been in port, when by him so interrogated. And if the master of such ship or vessel shall not be provided, on his arrival within any such district, with a manifest, and exhibit the same, as is herein required, if the lading of such ship or vessel consist wholly of goods, the produce or manufacture of the United States (distilled spirits excepted) he shall forfeit twenty dollars, or if there be distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall forfeit forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall forfeit the sum of one hundred dollars. And if any of the goods laden on board such ship or vessel, shall be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such ship or vessel, and which shall

In others how
to be provided
with them.

Forfeiture on
neglect thereof.

not be included in the manifest exhibited by such master, shall be forfeited.

SEC. 19. *And be it further enacted*, That it shall and may be lawful for the collector of the district of Pennsylvania, to grant permits for the transportation of goods, wares or merchandise, of foreign growth or manufacture, across the state of New Jersey, to the district of New York, or across the state of Delaware, to any district in the state of Maryland or Virginia; and for the collector of the district of New York, to grant like permits for the transportation across the state of New Jersey; and for the collector of any district of Maryland or Virginia, to grant like permits for the transportation across the state of Delaware, to the district of Pennsylvania: *Provided*, That every such permit shall express the name of the owner, or person sending such goods, and of the person or persons, to whom such goods shall be consigned, with the marks, numbers and description of the packages, whether bale, box, chest or otherwise, and the kind of goods contained therein, and the date, when granted; and the owner, or person sending such goods, shall swear or affirm, that they were legally imported, and the duties thereupon paid or secured: *And provided also*, That the owner or consignee of all such goods, wares and merchandise, shall, within twenty-four hours after the arrival thereof, at the place to which they were permitted to be transported, report the same, to the collector of the district where they shall so arrive, and shall deliver up the permit accompanying the same, and if the owner or consignee aforesaid, shall neglect or refuse to make due entry of such goods, within the time, and in the manner, herein directed, all such goods, wares and merchandise shall be subject to forfeiture; and if the permit granted shall not be given up, within the time limited for making the said report, the person or persons to whom it was granted, neglecting or refusing to deliver it up, shall forfeit fifty dollars for every twenty-four hours it shall be withheld afterwards: *Provided*, That where the goods, wares and merchandise, to be transported in manner aforesaid, shall be of less value than eight hundred dollars, the said oath and permit shall not be deemed necessary, nor shall the owner or consignee be obliged to make report to the collector of the district where the said goods, wares and merchandise shall arrive.

SEC. 20. *And be it further enacted*, That when any ship or vessel of the United States, registered according to law, shall be employed in going from any one district in the United States, to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district, where she may be, and also, upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties and forfeitures, and the like duties are imposed on like officers, as is provided by the sixteenth and seventeenth sections of this act, for ships or vessels licensed for carrying on the coasting trade: *Provided however*, that nothing herein contained, shall be construed to extend to registered ships or vessels of the United States, having on board goods, wares and merchandise of foreign growth or manufacture, brought into the United States in such ship or vessel from a foreign port, and on which the duties have not been paid or secured, according to law.

SEC. 21. *And be it further enacted*, That when any ship or vessel, licensed for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose, from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel, shall deliver like manifests, and make like entries, both of the ship or vessel, and of the goods, wares, or merchandise on board, within the

Collector of Pennsylvania may grant permits for transporting foreign goods to Maryland across the state of Delaware, and to Virginia.

Also to New York across New Jersey.

So also the collector of New York to goods to cross New Jersey, under what regulations.

Owner or consignee to report the same to the collector.

Registered vessels employed in going from district to district subject to regulations in sec. 16 and 17 of this act.

Proviso.

Duty of masters of ships licensed for carrying on the fishery, intending to touch at a foreign port.

same time, and under the same penalty, as by the laws of the United States, are provided for ships or vessels of the United States arriving from a foreign port. And if any ship or vessel, licensed for carrying on the fisheries, shall be found within three leagues of the coast, with goods, wares, or merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission, as is herein directed, such ship or vessel, together with her goods, wares, or merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Masters of vessels transporting goods from district to district, to report themselves within 24 hours after arrival.

SEC. 22. *And be it further enacted*, That the master or commander of every ship or vessel, employed in the transportation of goods from district to district, that shall put into a port, other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival, to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and if the master of such ship or vessel shall neglect or refuse to do the same, he shall forfeit twenty dollars.

Duty of collectors on masters of vessels having lost their manifests.

To take bond for foreign duties.

SEC. 23. *And be it further enacted*, That if the master or commander of any ship or vessel, employed in the transportation of goods, from district to district, having on board goods, wares, or merchandise of foreign growth or manufacture, or distilled spirits, shall, on his arrival at the port to which he was destined, have lost or mislaid the certified manifest of the same, or the permit which was given therefor, by the collector or surveyor of the district from whence he sailed, the collector of the district where he shall so arrive, shall take bond for the payment of the duties on such goods, wares and merchandise of foreign growth or manufacture, or distilled spirits, within six months, in the same manner, as though they were imported from a foreign country: *Provided however*, such bond shall be cancelled, if the said master shall deliver, or cause to be delivered to the collector taking such bond, and within the term therein limited for payment, a certificate from the collector or surveyor of the district, from whence he sailed, that such goods were legally exported in such ship or vessel, from such district.

Bond to be cancelled on certificate that said goods were legally imported.

Masters of vessels bound from district to district previously to deliver duplicate manifests to collector, &c.

SEC. 24. *And be it further enacted*, That the master or commander of every foreign ship or vessel, bound from a district in the United States, to any other district within the same, shall, in all cases, previous to her departure, from such district, deliver to the collector of such district, duplicate manifests of the lading on board such ship or vessel, if there be any, or if there be none, he shall declare that such is the case, and to the truth of such manifests or declaration, he shall swear or affirm, and also obtain a permit, from the said collector, authorizing him to proceed to the place of his destination. And the master or commander of every such ship or vessel, on his arrival within any district, from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unloading any goods from on board such ship or vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such ship or vessel, if any there be, or if in ballast only, he shall so declare, and to the truth of which manifest or declaration, he shall swear or affirm; and also, that such manifest contains an account of all the goods, wares, and merchandise which were on board such ship or vessel, at the time, or have been, since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed. And if the master or commander of any such ship or vessel shall neglect or refuse complying with any of the requirements herein made, he shall forfeit one hundred dollars: *Provided always*, That no-

Masters of foreign vessels.

Manifests on oath.

Forfeiture on neglect thereof. Proviso.

thing herein contained shall be construed as affecting the payment of tonnage, or any other requirements which such ships or vessels are now subject to by the present existing laws of the United States.

SEC. 25. *And be it further enacted*, That in every case, where the collector is, by this act, directed to grant any enrolment, license, certificate, permit, or other document, the naval officer residing at the port (if there be one) shall sign the same, and every surveyor who shall certify a manifest, or grant a permit, or who shall receive any certified manifest, or a permit as is provided for in this act, shall make monthly returns thereof, or sooner, if it can conveniently be made, to the collector of the district where such surveyor may reside.

Enrolment, &c.
by whom issued.

Monthly returns to be made
by the surveyors
to the collector.

SEC. 26. *And be it further enacted*, That before any ship or vessel, of the burthen of five tons, and less than twenty tons, shall be licensed, the same admeasurement shall be made of such ship or vessel, and the same provisions observed relative thereto, as are to be observed in case of admeasuring ships or vessels to be registered or enrolled; but in all cases, where such ship or vessel, or any other licensed ship or vessel, shall have been once admeasured, it shall not be necessary to measure such ship or vessel anew, for the purpose of obtaining another enrolment or license, except such ship or vessel shall have undergone some alteration as to her burthen, subsequent to the time of her former license.

How vessels
under twenty
tons shall be ad-
measured, &c.

SEC. 27. *And be it further enacted*, That it shall be lawful for any officer of the revenue, to go on board of any ship or vessel, whether she shall be within or without his district, and the same to inspect, search and examine, and if it shall appear, that any breach of the laws of the United States has been committed, whereby such ship or vessel, or the goods, wares and merchandise on board, or any part thereof, is, or are liable to forfeiture, to make seizure of the same.

Revenue officers
may go on
board vessels
without their
districts.

SEC. 28. *And be it further enacted*, That in every case, where a forfeiture of any ship or vessel, or of any goods, wares or merchandise, shall accrue, it shall be the duty of the collector, or other proper officer, who shall give notice of the seizure of such ship or vessel, or of such goods, wares or merchandise, to insert in the same advertisement, the name or names, and the place or places of residence, of the person or persons, to whom any such ship or vessel, goods, wares and merchandise belonged, or were consigned, at the time of such seizure, if the same shall be known to him.

Collector's duty
in cases of
seizure.

Names of the
owners or consignees of ships
or vessels or
goods seized to
be inserted in
the advertisement.

SEC. 29. *And be it further enacted*, That every collector, who shall knowingly make any record of enrolment or license of any ship or vessel, and every other officer, or person, appointed by, or under them, who shall make any record, or grant any certificate, or other document whatever, contrary to the true intent and meaning of this act, or shall take any other, or greater fees, than are by this act allowed, or shall receive, for any service performed pursuant to this act, any reward or gratuity, and every surveyor, or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector, or naval officer, a false description of any ship or vessel, to be enrolled or licensed, in pursuance of this act, shall, upon conviction of any such neglect or offence, forfeit to the United States five hundred dollars, and be rendered incapable of serving in any office of trust or profit, under the United States. And if any person, authorized and required by this act, in respect to his office, to perform any act or thing required by this act, shall wilfully neglect or refuse to do and perform the same, according to the true intent and meaning of this act, such person, on being duly convicted thereof, if not hereby subject to the penalty and disqualifications aforesaid, shall forfeit and pay the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thencefor-

Forfeiture on
recording enrol-
ment, &c. con-
trary to this act.

Penalty on
persons in office
refusing or ne-
glecting to do
their duty.

ward, be rendered incapable of holding any office of trust or profit under the United States.

Penalties on swearing falsely.

1790, ch. 9, sec. 19.

On counterfeiting, or falsifying enrolment.

Penalty on obstructing the execution of this act.

On transferring vessels to foreigners, &c.

In what cases the lading on board of vessels shall be exempt from forfeiture.

Fees allowed under this act.

Fees for admeasuring ships or vessels.

SEC. 30. *And be it further enacted*, That if any person or persons shall swear, or affirm to any of the matters, herein required to be verified, knowing the same to be false, such person or persons shall suffer the like pains and penalties, as shall be incurred, by persons committing wilful and corrupt perjury. And if any person or persons shall forge, counterfeit, erase, alter or falsify any enrolment, license, certificate, permit, or other document, mentioned or required in this act, to be granted by any officer of the revenue, such person or persons, so offending, shall forfeit five hundred dollars.

SEC. 31. *And be it further enacted*, That if any person or persons shall assault, resist, obstruct, or hinder any officer in the execution of this act, or of any other act or law of the United States, herein mentioned, or of any of the powers or authorities vested in him by this act, or any other act or law, as aforesaid, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided, forfeit five hundred dollars.

SEC. 32. *And be it further enacted*, That if any licensed ship or vessel shall be transferred, in whole or in part, to any person, who is not, at the time of such transfer, a citizen of, and resident within, the United States, or if any such ship or vessel shall be employed in any other trade than that for which she is licensed, or shall be found with a forged or altered license, or one granted for any other ship or vessel, every such ship or vessel, with her tackle, apparel and furniture, and the cargo found on board her, shall be forfeited.

SEC. 33. *Provided nevertheless, and be it further enacted*, That in all cases where the whole or any part of the lading, or cargo, on board any ship or vessel, shall belong bona fide to any person or persons other than the master, owner, or mariners of such ship or vessel, and upon which the duties shall have been previously paid or secured, according to law, shall be exempted from any forfeiture under this act, any thing therein contained to the contrary notwithstanding.

SEC. 34. *And be it further enacted*, That the fees and allowances for the several duties and services, to be performed, in virtue of this act, shall be as follow; that is to say:

For admeasuring every ship or vessel, in order to the enrolment, or licensing and recording the same, if of the burthen of five tons, and less than twenty tons, fifty cents; if of twenty tons, and not exceeding seventy tons, seventy-five cents; if above seventy tons, and not exceeding one hundred tons, one hundred cents; if above one hundred tons, one hundred and fifty cents:

For every certificate of enrolment, fifty cents:

For every endorsement on a certificate of enrolment, twenty cents:

For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty, and not more than one hundred tons, fifty cents; and if more than one hundred tons, one hundred cents:

For every endorsement on a license, twenty cents:

For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty-five cents, if less than fifty tons, and if above fifty tons, fifty cents:

For receiving a certified manifest, and granting a permit, on the arrival of such vessel, twenty-five cents, if less than fifty tons, and if above fifty tons, fifty cents:

For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one hundred and fifty cents:

For receiving a certified manifest, and granting a permit, on the arrival of such registered vessel, one hundred and fifty cents:

For granting a permit for a vessel, not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two hundred cents:

For receiving a manifest, and granting a permit, to unload, for such last mentioned vessel, on her arrival in one district, from another district, two hundred cents:

For granting a permit for a vessel carrying on the fishery, to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

And where a surveyor shall certify a manifest, or grant a permit, or receive a certified manifest and grant a permit, the fees arising therefrom, shall be received by him solely for his use. And all other fees arising, by virtue of this act, shall be received, and accounted for, by the collector, or, at his option, by the naval officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided always*, That in all cases, where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid; and every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous place of his office, a fair table of the rates of fees, demandable by this act.

Disposal of fees under this act.

Persons employed to ascertain tonnage of vessels to be paid before distribution of fees. Table of fees.

SEC. 35. *And be it further enacted*, That all penalties and forfeitures, which shall be incurred by virtue and force of this act, shall and may be sued for, prosecuted and recovered, in like manner, as penalties and forfeitures, incurred by virtue of the act, intituled "An act to regulate the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," may be sued for, prosecuted and recovered, and shall be appropriated in like manner: *Provided always*, That if any officer, entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, or be entitled to any part or share of the said penalty or forfeiture, and the part or share to which he would otherwise have been entitled, shall accrue to the United States.

Penalties and forfeitures how sued for and recovered.

1790, ch. 35.

SEC. 36. *And be it further enacted*, That this act shall commence, and take effect, from and after the last day of May next, and thenceforth, the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also, the act, intituled "An act to explain and amend an act, intituled An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall be repealed, and cease to operate, except as to the validity of the registers, records, enrolments and licenses, with the certificates and documents, which shall have been done or granted, in pursuance of those acts, prior to the first day of June next, which shall continue to be of the like force and effect, as if the said acts were not repealed; and except also, as to the prosecution, recovery and distribution of, and for fines, penalties and forfeitures, which may have been incurred, prior to the first day of June next, for which purpose likewise, the said acts shall continue in force.

When this act shall be in force, and certain other acts repealed.

Act 1739 ch. 11, sec. 22, repealed with exceptions.

1789, ch. 22.

SEC. 37. *And be it further enacted*, That nothing in this act, shall be

Nothing here-
in to extend to
boats, &c.

construed to extend to any boat or lighter, not being masted, or if masted, and not decked, employed in the harbor of any town or city.

APPROVED, February 18, 1793.

STATUTE II.

Feb. 18, 1793.

CHAP. IX.—*An Act providing compensation to the President and Vice President of the United States.*

Act of Sept.
24, 1789, ch. 19.

Compensation
to the President
and Vice Presi-
dent.

\$25,000 per
annum to the
President, and
\$5000 to the
Vice President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March in the present year, the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States, and now in possession of the President: And that of the Vice President, at the rate of five thousand dollars per annum, in full for their respective services, to be paid quarter-yearly, at the treasury.

APPROVED, February 18, 1793.

STATUTE II.

Feb. 21, 1793.

CHAP. X.—*An Act to repeal part of a resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents.*

Inhabitants of
Post St. Vin-
cents relieved
from expense of
certain surveys.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, as requires the French and Canadian inhabitants, and other settlers at Post Saint Vincents, to pay for the survey of the several tracts, which they rightfully claimed, and which had been allotted to them, according to the laws and usages of the government, under which they had settled, be, and hereby is repealed: And that such surveys thereof, as may have been made, be paid for by the United States, not exceeding the rates hitherto established by Congress for making surveys.

APPROVED, February 21, 1793.

STATUTE II.

Feb. 21, 1793.

CHAP. XI.—*An Act to promote the progress of useful Arts; and to repeal the act heretofore made for that purpose.*(a)

Act of 1790,
ch. 7.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when any person or persons, being a citizen or citizens of the United States, shall

(a) Laws passed relating to patents for useful inventions: An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees, April 17, 1800, chap. 25; an act to extend the jurisdiction of the Circuit Courts of the United States, in cases arising under the law relating to patents, February 15, 1819, chap. 19; an act supplementary to the act entitled "An act to promote the progress of useful arts," June 7, 1794, chap. 58; an act concerning patents for useful inventions, July 3, 1832, chap. 162; an act concerning the issuing of patents to aliens for useful discoveries and inventions, passed July 13, 1832, chap. 203; an act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made on that subject, July 4, 1836, chap. 257; an act in addition to the act to promote the progress of science and useful arts, March 3, 1837, chap. 43; an act in addition to the act to promote the progress of the useful arts, and to repeal all acts and parts of acts, heretofore made for the purpose, August 29, 1842, chap. 263.

Decisions of the courts of the United States on the acts of Congress relating to patents for useful inventions.—Patents for useful inventions.

The forms and subjects of Patents.—*Invention or Discovery, the Specification or Description.*—Under the 6th section of the patent law of February 21, 1793, if the thing secured by patent has been in use, or has been described in a public work, anterior to the supposed discovery, the patent is void, whether the patentee had a knowledge of this previous use or not. *Evans v. Eaton*, 3 Wheat. 454; 4 Cond. Rep. 291.

A party cannot entitle himself to a patent for more than his own invention; and if a patent be for the

allege that he or they have invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used before the application, and shall present a petition to the

Letters patent
how and by
whom made out.

whole machine, he can maintain a title to it only by establishing that it is substantially new, with its structure and mode of operation. *Ibid.*

If the combinations existed before in machines of the same nature, up to a certain point, and the party's invention consists in adding some new machinery, or some improved mode of operation to the old, the patent should be limited to such improvement; for if it includes the whole machine, it includes more than his invention, and therefore cannot be supported. *Ibid.*

The patent act of the United States differs from the English in several particulars. A mere public use by others before taking a patent, or a sale thereof by the inventor, is not decisive against him here, as it is in England. *Pennock et al. v. Dialogue*, 2 Peters, 16.

It has not, and it cannot be denied, that an inventor may abandon his invention, and surrender or dedicate it to the public. The inchoate right thus given, cannot afterwards be resumed at his pleasure, for when gifts are once made to the public in this way, they become absolute. The true meaning of the words in the patent law, "not known or used before the application," is, not known or used by the public, before the application. *Ibid.*

Where a defect in the specification on which a patent has issued, arose from inadvertence or mistake, and without any fraud or misconduct on the part of the patentee, the Secretary of State has authority to accept a surrender of the patent, and cancel the record thereof; whereupon he may issue a new patent on an amended specification for the unexpired fourteen years granted by the first patent. *Grant v. Raymond*, 6 Peters, 218.

The letters patent were obtained in 1822, and in 1829, the patentee having surrendered the same for an alleged defect in the specification, obtained another patent. The second patent is to be considered as having relation to the first patent in 1822, and not as having been issued on an original application. *Shaw v. Cooper*, 7 Peters, 292.

The taking of the oath required by the patent act, previous to the issuing of the patent, is but a prerequisite to the granting of the patent, and is in no degree essential to its validity; and if not taken, still the patent is valid. No defect or concealment in the specification, will avoid the patent, unless it arose from an intention to deceive the public. *Whittemore v. Cutter*, 1 Gallis. C. C. R. 429.

The first inventor is entitled to the benefit of his invention, and if he reduce it to practice, and obtain a patent for it, a subsequent inventor cannot, by obtaining a patent, deprive him of his invention, or maintain an action against him or his patent. *Woodcock v. Parker et al.*, 1 Gallis. C. C. R. 438.

A patent can in no case be for an effect only, but for an effect produced in a certain manner, or by a peculiar operation. *Ibid.*

The original inventor of a machine is exclusively entitled to a patent for it. Mere colourable differences, or slight improvements, will not affect his right. *Odiorne v. Winkley*, 2 Gallis. C. C. R. 51.

The law allows a party a patent for a new and useful invention, and by "useful invention," is meant, not an invention in all respects superior to the modes now in use for the same purpose, but useful, in contradistinction to frivolous and mischievous inventions. *Lowell v. Lewis*, 1 Mason's C. C. R. 182.

The patentee must describe in his patent in what his invention consists, with reasonable certainty; otherwise it is void for ambiguity. If it be for an improvement in an existing machine, he must, in his patent, distinguish the new from the old; and confine his patent to such parts only as are new; for if both are mixed up together, and a patent is taken out for the whole, it is void. *Ibid.*

A joint patent may well be for a joint invention, but not for a sole invention of one of the patentees. If each of the patentees obtain patents for the same invention as his exclusive invention, and afterwards both obtain a joint patent for the same as their invention, the parties are not actually estopped from ascertaining the invention to be joint; but the former patents are very strong evidence against a joint invention. *Ibid.*

An inventor cannot, under the patent laws of the United States, have two subsisting valid patents at the same time for the same invention. The first that he obtains, while it remains unrepealed, is an estoppel to any patent under the same patent act. *Odiorne v. The Amesbury Nail Factory*, 2 Mason's C. C. R. 28.

The first section of the patent act of 1793, construed in connection with the other sections of the act, means that the invention should not be known and used as the invention of any other person than the patentee before the application for a patent. *Morris v. Huntington*, Paine's C. C. R. 348.

To obtain a patent under the laws of the United States, the party must be the original inventor in reference to the whole world; it is not sufficient that he is the first inventor within the United States. *Rutgen v. Kanowers*, 1 Wash. C. C. R. 168.

One who is the inventor of an improvement in the principle of a machine, has the same right to use it, as the inventor of the original machine had to it. Aliter, if it be only in form and proportion. *Gray et al. v. James et al.*, Peters's C. C. R. 394.

It is not enough that the thing designed to be embraced by the patent, should be made apparent on the trial, by comparison of the new with the old machine. The patent for the invention must distinguish the new from the old, so as to point out in what the improvement consists. *Dixon v. Moyer*, 4 Wash. C. C. R. 63.

Patents and the specifications annexed thereto, should be construed fairly and liberally, and not be subject to any over nice or critical refinements. *Ames v. Howard*, 1 Sumner's C. C. R. 452.

It is not necessary to the validity of a patent for a new and useful invention, that any of the ingredients should be new and unused before for the purpose. The true question is, whether the combination of materials by the patentee, is substantially new. *Ryan v. Goodwin*, 3 Sumner's C. C. R. 514.

Under the patent laws of the United States, the applicant for a patent must be the first as well as the original inventor, and a subsequent inventor, although an original inventor, is not entitled to a patent, if the invention is perfected and put in actual use by the first and an original inventor; and it is of no consequence whether the invention is extensively known or used, or whether the knowledge or use thereof

Act of April 10, 1799, ch. 33, repealed.

Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State, to cause letters patent to be made out in the name of the United States, bearing teste by the

is limited to a few persons, or even to the first inventor himself, or is kept a secret by the first inventor. *Reed v. Cutter*, 1 Story's C. C. R. 590. See *Stone v. Sprague*, 1 Story's C. C. R. 270.

Infringement of a Patent Right.—By the provisions of the act of Congress of April 17, 1800, citizens and aliens as to patent rights, are placed substantially on the same ground. In either case, if the invention was known or used by the public before it was patented, the patent is void. *Shaw v. Cooper*, 7 Peters, 292.

No matter by what means an invention may have been communicated before the patent was obtained: any acquiescence by the inventor in the public use, will be an abandonment of the right. If the right were asserted by him who fraudulently obtained it, perhaps no lapse of time could give it validity. But the public stand in an entirely different relation to the inventor. This right would be secured by giving public notice that he was the inventor of the thing used, and that he should apply for a patent. *Ibid.*

A strict construction of the act of Congress, as it respects the public use of the invention, is not only required by its letter and spirit, but sound policy. *Ibid.*

The question of abandonment by the inventor does not depend on the intention of the inventor. If without any intention, he suffers his invention to go to the public, he has no right to a patent. *Ibid.*

Under the patent act of 1793, if the patentee has sold out a moiety of his patent, a joint action lies by his vendee and himself, for a violation of the patent. *Whittemore v. Cutter*, 1 Gallis. C. C. R. 429.

By the term "actual damage," which the plaintiff may recover under the patent law, is meant such damages as he can actually prove, and has in fact sustained as contradistinguished from mere imaginary or vindictive damages, which in personal torts are sometimes given. *Ibid.*

If there be a mere making, and no use proved, nominal damages are to be recovered. The rule of damages, if the use of the machine be proved, should be the value of the use of the machine during the time the use was proved. *Ibid.*

In an action for the infringement of a patent right, the law gives to a plaintiff treble the actual damages sustained by him; and the rule is to allow him treble the amount of the profits actually received by the defendant, in consequence of his using the plaintiff's invention. *Lowell v. Lewis*, 1 Mason's C. C. R. 182.

The jury are to find single damages, and the court are to treble them. *Gray et al. v. James*, Peters's C. C. R. 394.

A patent may be for a new combination of machines to produce certain effects; and this, whether the machines constituting the combination be new or not. But in such a case, the patent being for the combination only, it is no infringement of the patent to use any of the machines separately, if the whole combination be not used. *Barrett et al. v. Hall et al.*, 1 Mason's C. C. R. 447.

Where a party claims several distinct, independent improvements in the same machine, and procures a patent for them in the aggregate, he is entitled to recover against any person who shall use any one of the improvements so patented, notwithstanding there shall have been no violation of the other improvements. *Moody v. Fiske et al.*, 2 Mason's C. C. R. 112.

The jury may, in an action for the infringement of a patent, give the plaintiff, as a part of his actual damages, such expenses for counsel fees, &c., as have been actually incurred in vindicating his right by suit, and which are not taxable in the bill of costs. *Boston Manufacturing Company v. Fiske et al.*, 2 Mason's C. C. R. 119.

A patentee of an invention, notwithstanding he had given away his invention to another, may recover for the violation of his patent; not having assigned away his whole title and interest in it, and no deed of assignment having been recorded in the office of the Secretary of State. *Parke v. Little*, 3 Wash. C. C. R. 196.

Proceedings and Pleadings in actions for the violation of Patent Rights.—In the case of a rule before the district judge, to show cause why a patent should not be repealed, a record is to be made of the proceedings antecedent to the rule to show cause why process should not issue to repeal the patent, and upon which the rule was granted. *Ex parte Wood and Brundage*, 9 Wheat. 603; 5 Cond. Rep. 702.

The proceedings under the 10th section of the act of 1793, are in the nature of a scire facias at common law, to repeal a patent. *Stearns v. Barrett*, 1 Mason's C. C. R. 153.

The scire facias in such a case ought to contain a direct allegation or suggestion that the patent was obtained surreptitiously or upon false suggestion; and to call upon the defendant for that cause only, to show cause why the patent should not be repealed. *Ibid.*

On an application for an injunction to restrain the infringement of a patent right, it should be stated in the bill, or by affidavit, that the complainant is the inventor, and the bill must be sworn to: it is not sufficient that this fact was sworn to when the patent was obtained. *Sullivan v. Redfield*, Paine's C. C. R. 441. See *Cutting v. Meyers*, 4 Wash. C. C. R. 220. *Pettibone v. Derringer*, 4 Wash. C. C. R. 215. *Dixon v. Moyer*, 4 Wash. C. C. R. 68.

In an action for a violation of a patent right, it is sufficient, under the plea of the general issue, to give notice that the plaintiff is not the inventor of the machine for which the patent has been obtained, if that constitutes the defence; without stating in the notice who was the inventor, or who had previously used the machine. *Evans v. Kremer*, Peters's C. C. R. 215. See *Prouty v. Reynolds*, 16 Peters, 336.

In an action for an infringement of a patent right, evidence that the invention of the defendant is better than that of the plaintiff, is improper; except to show a substantial difference between the two inventions. *Alden v. Dewey*, 1 Story's C. C. R. 336.

Evidence in actions for the violation of Patent Rights.—Under the sixth section of the patent law of Feb. 1793, the defendant pleaded the general issue and gave notice that he would prove at the trial, that the machine for the use of which, without license, the suit was brought, had been used previous to the alleged invention at several places which were specified in the notices or some of them, and also at sundry other places in Pennsylvania, Maryland, and elsewhere, in the United States. The defendant having given evidence as to some of the places specified; held, that evidence as to the other places was admissible, but

President of the United States, reciting the allegations and suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner, or petitioners, his, her, or their heirs, administrators or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the United States, to be examined; who, within fifteen days after such delivery, if he finds the same conformable to this act, shall certify accordingly, at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent thus certified, to be signed, and shall cause the seal of the United States to be thereto affixed: and the same shall be good and available to the grantee or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his order.

To bear teste by the President, and

be examined by the Attorney General.

1800, ch. 25.

SEC. 2. *Provided always, and be it further enacted*, That any person, who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use or vend the original discovery, nor shall the first inventor be at liberty to use the improvement: And it is hereby enacted and declared, that simply changing the form or the proportions of any machine, or composition of matter, in any degree, shall not be deemed a discovery.

The liberty of using an improvement defined.

Changing the form or proportions of any machine &c. not to be a discovery.

How to proceed to obtain letters patent.

1800, ch. 25, sec. 2.

Specification.

SEC. 3. *And be it further enacted*, That every inventor, before he can receive a patent, shall swear or affirm, that he does verily believe, that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms, as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the applica-

that the court possesses the power, which will be exercised, to prevent the plaintiff being injured by surprise. *Evans v. Eaton*, 3 Wheat. 454; 4 Cond. Rep. 291.

It is no objection to the competency of a witness in a patent cause that he is sued in another action for the infringement of the patent. *Evans v. Hettich*, 7 Wheat. 453; 5 Cond. Rep. 317.

The sixth section of the patent act does not enumerate all the defences of which the defendant may legally avail himself. He may give in evidence that he never did the act attributed to him: that the patentee is an alien, not entitled under the act; or that he has a license or authority from the patentee. *Whitmore v. Cutter*, 1 Gallis. C. C. R. 436.

It is a presumption of law, that where a patent and the specifications and drawings have been recorded in the patent office, every person who takes out a patent for a similar machine has a knowledge of the preceding patent. *Odiorne v. Winkley*, 2 Gallis. C. C. R. 51; *Stearnes v. Barrett*, 1 Mason's C. C. R. 153; *Kneas v. The Schuylkill Bank*, 4 Wash. C. C. R. 106.

There is no limitation to the ground on which the defendant, under the general issue may give in evidence that the patentee was not the original inventor. *Evans v. Eaton, Peters* C. C. R. 322.

Surrender and Repeal of Patents.—The holder of a defective patent may surrender it to the department of state, and obtain a new one, which shall have relation to the emanation of the first. *Shaw v. Cooper*, 7 Peters 292.

The great object and intention of the act granting patents for useful inventions is to secure to the public the advantage to be derived from the discoveries of individuals, and the means it employs are the compensation to those individuals for the time or labour devoted to those discoveries, by the exclusive right to make and sell the thing discovered for a limited time. *Grant v. Raymond*, 6 Peters, 218.

One who has patented his invention cannot take out a new patent for the same invention until the first is surrendered, repealed, or declared void. *Morris v. Huntington*, Paine's C. C. R. 343.

The obstacle of an invalid patent may be removed by having it declared void after a verdict against it, or by having a vacatur entered, *ex parte*, in the office of the Secretary of State, on a surrender of the patent. But the provisions of the sixth section of the act do not enable a patentee to declare his own patent void; and a verdict in a suit on the second patent in favour of such patent does not avoid the first patent. *Ibid.*

Specification.

tion of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter; which description, signed by himself and attested by two witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all courts, where any matter or thing, touching such patent-right, shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided, the secretary shall deem such model to be necessary.

Inventors may assign their titles.

Record of assignment to be made in the office of the Secretary of State.

Forfeiture on using patented inventions without leave.

Three times the price to be the penalty. How recovered.

How defendants may give this act in evidence.

And judgment shall be given.

State rights to inventions when to be deemed void.

How applications depending under former law shall be prosecuted under this act.

1790, ch. 7.

Proceedings to be had on in-

SEC. 4. *And be it further enacted*, That it shall be lawful for any inventor, his executor or administrator to assign the title and interest in the said invention, at any time, and the assignee having recorded the said assignment, in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assigns, to any degree.

SEC. 5. *And be it further enacted*, That if any person shall make, devise and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his executors, administrators or assigns, first obtained in writing, every person so offending, shall forfeit and pay to the patentee, a sum, that shall be at least equal to three times the price, for which the patentee has usually sold or licensed to other persons, the use of the said invention; which may be recovered in an action on the case founded on this act, in the circuit court of the United States, or any other court having competent jurisdiction.

SEC. 6. *Provided always, and be it further enacted*, That the defendant in such action shall be permitted to plead the general issue, and give this act and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, in evidence, tending to prove, that the specification, filed by the plaintiff, does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing, thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person: in either of which cases, judgment shall be rendered for the defendant, with costs, and the patent shall be declared void.

SEC. 7. *And be it further enacted*, That where any state, before its adoption of the present form of government, shall have granted an exclusive right to any invention, the party, claiming that right, shall not be capable of obtaining an exclusive right under this act, but on relinquishing his right under such particular state, and of such relinquishment his obtaining an exclusive right under this act shall be sufficient evidence.

SEC. 8. *And be it further enacted*, That the persons, whose applications for patents, were, at the time of passing this act, depending before the Secretary of State, Secretary at War, and Attorney General, according to the act, passed the second session of the first Congress, intituled "An act to promote the progress of useful arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same.

SEC. 9. *And be it further enacted*, That in case of interfering applications, the same shall be submitted to the arbitration of three persons,

one of whom shall be chosen by each of the applicants, and the third person shall be appointed by the Secretary of State; and the decision or award of such arbitrators, delivered to the Secretary of State, in writing and subscribed by them, or any two of them, shall be final, as far as respects the granting of the patent: And if either of the applicants shall refuse or fail to chuse an arbitrator, the patent shall issue to the opposite party. And where there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the Secretary of State to appoint three arbitrators for the purpose.

terfering applications.

SEC. 10. *And be it further enacted*, That upon oath or affirmation being made, before the judge of the district court, where the patentee, his executors, administrators or assigns reside, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said court, within three years after issuing the said patent, but not afterwards, it shall and may be lawful for the judge of the said district court, if the matter alleged shall appear to him to be sufficient, to grant a rule, that the patentee, or his executor, administrator or assign show cause, why process should not issue against him to repeal such patent. And if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued against such patentee, or his executors, administrators or assigns, with costs of suit. And in case no sufficient cause shall be shown to the contrary, or if it shall appear, that the patentee was not the true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent; and if the party, at whose complaint, the process issued, shall have judgment given against him, he shall pay all such costs, as the defendant shall be put to, in defending the suit, to be taxed by the court, and recovered in due course of law.

And against persons surreptitiously obtaining patents.

Repeal of a patent illegally obtained.

SEC. 11. *And be it further enacted*, That every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the treasury thirty dollars, for which he shall take duplicate receipts; one of which receipts he shall deliver to the Secretary of State, when he presents his petition; and the money, thus paid, shall be in full for the sundry services, to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk-hire in that office. *Provided nevertheless*, That for every copy, which may be required at the said office, of any paper respecting any patent, that has been granted, the person, obtaining such copy, shall pay, at the rate of twenty cents, for every copy-sheet of one hundred words, and for every copy of a drawing, the party obtaining the same, shall pay two dollars; of which payments, an account shall be rendered, annually, to the treasury of the United States, and they shall also pass to the account of clerk hire in the office of the Secretary of State.

Inventor before presenting petition to pay \$30 into the treasury.

Copying fees.

SEC. 12. *And be it further enacted*, That the act, passed the tenth day of April, in the year one thousand seven hundred and ninety, intituled "An act to promote the progress of useful arts," be, and the same is hereby repealed. *Provided always*, That nothing, contained in this act, shall be construed to invalidate any patent, that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators and assigns, shall be considered within the purview of this act, in respect to the violation of their rights; provided, such violations shall be committed, after the passing of this act.

Act of April 10, 1790, ch. 7, repealed.

Proviso.

APPROVED, February 21, 1793.

STATUTE II.

Feb. 27, 1793.

Duty on beasts imported for breed, to be repealed.

1799, ch. 22, sec. 94.

CHAP. XV.—*An Act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several laws of the United States, imposing duties on goods, wares and merchandise imported into the United States, so far as they may be deemed to impose a duty on horses, cattle, sheep, swine or other useful beasts, imported into the United States, for breed, shall be repealed.

APPROVED, February 27, 1793.

STATUTE II.

Feb. 27, 1793.

Second sec. of act extending powers of the board of commissioners repealed.

1792, ch. 5.

Vermont not to be regarded in apportioning balances,

Act of August 5, 1790, ch. 38.

and Kentucky to be included with Virginia.

CHAP. XVI.—*An Act in addition to, and alteration of the Act, entitled "An Act to extend the time limited for settling the Accounts of the United States with the individual States."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second section of the act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," which extended the powers of the board of commissioners to the settlement of the accounts between the United States and the state of Vermont, be and hereby is repealed.

SEC. 2. *And be it further enacted,* That the board of commissioners established to settle the accounts between the United States and the individual states, in apportioning the aggregate of all the balances due to each state, between the states, agreeably to the act, entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual states," shall have no regard to the state of Vermont.

SEC. 3. *And be it further enacted,* That in the apportioning of the balances aforesaid, the state of Kentucky shall be deemed to be included in the state of Virginia, the admission of the said state of Kentucky as a member of the Union notwithstanding.

APPROVED, February 27, 1793.

STATUTE II.

Feb. 28, 1793.

CHAP. XVII.—*An Act to regulate the Claims to Invalid Pensions.*

1792, ch. 11.

Sections of certain former act repealed.

Evidence relative to invalids, how taken.

Evidence.

WHEREAS the act, passed at the last session of Congress, intituled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions," is found by experience inadequate to prevent the admission of improper claims to invalid pensions, and not to contain a sufficient facility for the allowance of such as may be well founded: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second, third and fourth sections of the said act, be repealed, and that in future, all claims to such pensions shall be regulated in the manner following, to wit:

First.—All evidence relative to Invalids shall be taken upon oath or affirmation, before the judge of the district, in which such invalids reside, or before any three persons specially authorized by commission from the said judge.

Secondly.—The evidence relative to any claimant must prove decisive disability to have been the effect of known wounds, received while in the actual line of his duty, in the service of the United States, during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps or company, in

which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound.

Evidence how taken.

Thirdly.—Every claimant shall be examined upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from the said judge, who shall report, in writing, their opinion, upon oath or affirmation, of the nature of the said disability, and, in what degree, it prevents the claimant from obtaining his livelihood, by labor.

Fourthly.—Every claimant shall produce evidence of the time of his leaving the service of the United States. He must also produce evidence of three reputable freeholders of the city, town or county, in which he usually resided for the two years immediately after he left the service, as aforesaid, of the existence of his disability, during that period; and ascertaining, of their own knowledge, the mode of life, employment, labour or means of support of the claimant.

Fifthly.—And the said claimant must produce the evidence of two credible witnesses, of the continuance of his disability, from the expiration of the said two years, to the time of his application.

Sixthly.—Each claimant must show a good and sufficient cause why he did not apply for a pension to the person or persons authorized to examine his claim, on or before the eleventh of December, one thousand seven hundred and eighty-eight, the time limited for applications of this nature.

Seventhly.—No evidence of any claimant shall be admitted whose claim has been examined and rejected, on or before the aforesaid eleventh of December, one thousand seven hundred and eighty-eight.

SEC. 2. *And be it further enacted*, That the judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the department of War, in order that the same may be compared with the muster-rolls, and other documents in his office; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks, as may be necessary, in order to enable them to take such order thereon, as they may judge proper.

District judge to transmit list of claims to Secretary at War,

by whom they are to be stated to Congress.

SEC. 3. *And be it further enacted*, That no person not on the pension-list, before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed; saving however to all persons, all and singular their rights founded upon legal adjudications under the act, intitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions." But it shall be the duty of the Secretary at War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States, on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves commissioners.

How persons shall be entitled to a pension under this act.

March 23, 1792, ch. 11.

Duty of Secretary at War, and Attorney General.

SEC. 4. *And be it further enacted*, That no claim to a pension shall be allowed under this act, which shall not be presented within two years from the passing the same.

Limitation of claims under this act.

APPROVED, February 28, 1793.

STATUTE II.

CHAP. XVIII.—*An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three.*

Feb. 28, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the service of the year one thousand seven hundred and ninety-three, there be appropriated a sum of money, not exceeding one million five

[Expired.] Specific appropriations for the year 1793.

Specific appropriations for the year 1793.

hundred and eighty-nine thousand, and forty-four dollars, and seventy-two cents; that is to say:

For the compensations granted by law to the President and Vice-President of the United States, thirty thousand dollars: For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and forty-three thousand, five hundred and ninety-one dollars: For the salaries of the doorkeepers and assistant doorkeepers of the Senate and House of Representatives, under the act for their compensation, passed the twelfth of April, one thousand seven hundred and ninety-two, one thousand two hundred and thirty-three dollars, and sixty-eight cents: For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred and fifty-two dollars: For making good a deficiency in the appropriation, in the year one thousand seven hundred and ninety-two, for contingent expenses in the office of the clerk of the House of Representatives, five hundred and seventy-eight dollars: For the compensations granted by law, to the chief justice, associate judges, district judges, and the attorney general, forty-three thousand two hundred dollars: For the additional salary of the attorney general, by the act of the eighth of May, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars: For defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, four thousand dollars: For compensation to the secretary of the treasury, clerks and persons employed in his office, eight thousand three hundred and fifty dollars: For salary of the two principal clerks to the secretary of the treasury, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand and forty-three dollars and twenty-eight cents: For expense of stationery, printing, and all other contingent expenses in the office of the secretary of the treasury, five hundred dollars: For compensation to the comptroller of the treasury, clerks and persons employed in his office, nine thousand four hundred and fifty dollars: For the increased salary of the comptroller, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing and all other contingent expenses in the comptroller's office, six hundred dollars: For compensation to the auditor of the treasury, clerks and persons employed in his office, ten thousand four hundred and fifty dollars: For the increased salary of the auditor, from the eighth of May to the thirty-first of December one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing, and other contingent expenses, in the auditor's office, six hundred dollars: For compensation to the register of the treasury, clerks and persons employed in his office, eighteen thousand six hundred dollars: For the increased salary of the register of the treasury, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, three hundred and twenty-six dollars and three cents, and for making good the deficiency in the appropriation of one thousand seven hundred and ninety-two, one hundred dollars; making, in the whole, four hundred and twenty-six dollars and three cents: For expenses of stationery, printing and other contingent expenses, in the register's office, two thousand dollars: For compensation to the treasurer, clerks and persons employed in his office, four thousand one hundred dollars: For the increased salary of the treasurer, from the eighth of May to the thirty-first of December, one thousand seven hundred and

ninety-two, and for making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for clerks in that office, five hundred and thirty dollars and sixty-eight cents: For expense of firewood, stationery, printing and other contingencies in the treasurer's office, four hundred and fifty dollars: For compensation to the commissioner of the revenue, clerks and persons employed in his office, four thousand one hundred dollars: For the salary of the commissioner of the revenue, clerks and persons employed in that office, from the establishment thereof, to the thirty-first of December, one thousand seven hundred and ninety-two, including also contingent expenses to the same time, two thousand eight hundred and seventy-three dollars and forty-six cents: For the expense of stationery, printing and other contingent expenses in the office of the commissioner, three hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses of the treasury department, two thousand four hundred dollars: For the payment of rent for the several houses employed in the treasury department, one thousand four hundred and eighty-nine dollars and ninety-nine cents: For wood and candles in the several offices in the treasury department (except the treasurer's office) one thousand two hundred dollars: For compensations to the several loan officers, thirteen thousand two hundred and fifty dollars: For defraying the expenses of stationery, and for hire of clerks in the offices of the several commissioners of loans, to the first of March, one thousand seven hundred and ninety-three, authorized by the act of the eighth of May one thousand seven hundred and ninety-two, thirty-two thousand seven hundred and twenty-nine dollars and ninety-five cents: To make good deficiencies in former appropriations, for similar expenses, one thousand six hundred and fifty dollars: For compensation to the secretary of state, clerks and other persons employed in his office, six thousand three hundred dollars: For defraying the expense of collecting the laws of the several states, publishing and distributing the laws of Congress, and all other expenses in the office of the secretary of state, one thousand eight hundred and fifty-one dollars and sixty-seven cents: To make good a deficiency, in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses in this office, ninety-three dollars and thirty-four cents: For compensation to the commissioners for settlement of the accounts between the United States and the individual states, clerks and persons employed in their office, six thousand six hundred and fifty dollars: For defraying the contingent expenses of the board of commissioners, four hundred and seven dollars: For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars: For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said territories, seven hundred dollars: For the payment of the pensions granted to invalids, eighty-two thousand, two hundred and forty-five dollars, and thirty-two cents: For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars: For payment of sundry pensions granted by the late government, two thousand seven hundred and sixty-seven dollars, and seventy-three cents: For the maintenance and repair of lighthouses, beacons, piers, stakes and buoys, twenty thousand dollars: For the farther expense of building and equipping ten cutters, three thousand dollars: For the purchase of hydrometers, for the use of the officers of the customs and inspectors of the revenue, one thousand five hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the purchase of hydrometers, six hundred and ten dollars, and ten cents: For the payment of such demands, not otherwise provided for,

Specific appropriations for the year 1793.

1792, ch. 38.

1791, ch. 15,
sec. 37.

Specific appropriations for the year 1793.

as shall have been duly allowed by the officers of the treasury, five thousand one hundred and sixty-nine dollars: For compensation to the secretary of war, clerks and persons employed in his office, seven thousand and fifty dollars: For the increased salary of the chief clerk in the war department, from the eighth of May, to the thirty first of December, one thousand seven hundred and ninety-two, one hundred and thirty dollars and forty-one cents: For expenses of firewood, stationery, printing and other contingent expenses in the office of the secretary of war, six hundred dollars: For compensation to the accountant to the war department and clerks in his office, four thousand two hundred dollars: For salary to the accountant, clerks, and for contingent expenses in that office, from the establishment thereof, to the thirty first of December, one thousand seven hundred and ninety-two, one thousand one hundred and sixty-five dollars and eighty-nine cents: For contingent expenses in the office of the accountant to the war department, three hundred dollars: For payment of four years rent for the buildings occupied for offices of the secretary of war and accountant, one thousand six hundred and sixty-six dollars, and sixty-six cents: For salaries of the storekeepers at the several arsenals, rents for the buildings occupied as magazines, for payment of the labourers, coopers, armorers and other persons employed in taking care of the ordnance, arms and military stores, seven thousand eight hundred and thirty-five dollars and thirty-two cents: For five hundred rifles, purchased in the year one thousand seven hundred and ninety-two, six thousand dollars: For expense of repairing arms, equipments of cannon, cartridge-boxes, swords and every other article in the ordnance department, ten thousand dollars: For defraying the expenses of the Indian department, fifty thousand dollars: For the pay of the troops authorized by law, three hundred and four thousand, three hundred and eight dollars: For subsistence, three hundred and twelve thousand, five hundred and sixty-seven dollars, and seventy-five cents: For forage, thirty-four thousand eight hundred and fifty-six dollars: For clothing, one hundred and twelve thousand dollars: For equipments for cavalry, five thousand dollars: For horses for cavalry, five thousand dollars: For hospital department, twenty-five thousand dollars: For quartermaster's department, one hundred thousand dollars: For maps, hiring expresses, allowance to officers for extra expenses, printing, loss of stores, advertising, apprehending deserters, and every other contingent expense in the war department, thirty thousand dollars: For the defensive protection of the frontiers, fifty thousand dollars: For the payment of bounties, fifteen thousand two hundred and forty dollars.

Out of what funds payable.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the funds following to wit:

1790, ch. 34.

First.—The sum of six hundred thousand dollars reserved by the act making provision for the debt of the United States. Secondly.—The surplus, which may remain unexpended, of the monies appropriated for the use of the war department, in the year one thousand seven hundred and ninety-two. And, thirdly.—The surplus of the existing revenues of the United States, to the end of the year, one thousand seven hundred and ninety-three, except what may be otherwise appropriated, during the present session of Congress.

President may borrow not exceeding \$800,000.

SEC. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said states, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, one thousand seven

On what terms and of whom.

hundred and ninety-three: And that it shall be lawful for the Bank of the United States, to lend the said sum. And the President of the United States shall cause so much of the loan, made of the Bank of the United States, pursuant to the eleventh section of the act, by which it is incorporated, to be paid off, in sums not less than fifty thousand dollars, as, in his opinion, the state of the treasury may, from time to time, admit, out of any monies which may be in the treasury, having due regard to the exigencies of government, and the appropriations made and to be made by law.

APPROVED, February 28, 1793.

Loan made of the bank, how to be paid off.

STATUTE II.

March 1, 1793.

CHAP. XIX.—*An Act to regulate Trade and Intercourse with the Indian Tribes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license under the hand and seal of the superintendent of the department, or of such other person, as the President of the United States shall authorize to grant licenses for that purpose; which superintendent, or person so authorized shall, on application, issue such license, for a term not exceeding two years, to any proper person, who shall enter into bond with one or more sureties approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as are or shall be made, for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons licensed, as aforesaid, shall be governed, in all things touching the said trade and intercourse, by such rules and regulations, as the President of the United States shall prescribe.

[Repealed.]
May 19, 1796,
ch. 30.

Trade with the Indian tribes to be under licenses.

1790, ch. 33.

SEC. 2. *And be it further enacted,* That the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions, provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds, as he may have taken, on the breach of any condition therein contained.

Power of the person granting such licenses.

SEC. 3. *And be it further enacted,* That every person, who shall attempt to trade with the Indian tribes, or shall be found in the Indian country, with such merchandise in his possession, as are usually vended to the Indians, without lawful license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession, in the Indian country, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days, at the discretion of the court, in which the trial shall be: *Provided,* That any citizen of the United States, merely travelling through any Indian town or territory, shall be at liberty to purchase, by exchange or otherwise, such articles as may be necessary for his subsistence, without incurring any penalty.

Forfeiture on attempting to trade without a license.

SEC. 4. *And be it further enacted,* That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit murder, robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen thereof, would be punishable by the laws of such state or district, such offender shall be subject to the same punishment, as if the offence had been committed within the state or district, to which he or she may belong, against a citizen thereof.

Punishment on committing crimes against friendly Indians.

Forfeiture in cases of settlement on their lands.

SEC. 5. *And be it further enacted*, That if any such citizen or inhabitant shall make a settlement on lands belonging to any Indian tribe, or shall survey such lands, or designate their boundaries, by marking trees, or otherwise, for the purpose of settlement, he shall forfeit a sum not exceeding one thousand dollars, nor less than one hundred dollars, and suffer imprisonment not exceeding twelve months, in the discretion of the court, before whom the trial shall be: And it shall, moreover, be lawful for the President of the United States, to take such measures, as he may judge necessary, to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who have made, or shall hereafter make, or attempt to make a settlement thereon.

Horses not to be purchased of Indians without license.

SEC. 6. *And be it further enacted*, That no person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person, as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: *Provided also*, That every person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they shall have been brought out of the Indian country, shall make a particular return, to the superintendent, or other person, from whom he obtained his license, of every horse by him purchased, as aforesaid, describing such horses, by their color, height and other natural or artificial marks, under the penalties contained in their respective bonds. And every person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit, for every horse thus purchased, or brought from the Indian country, a sum not more than one hundred dollars, nor less than thirty dollars, to be recovered in any court of record having competent jurisdiction. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons not licensed, as above, to purchase the same, shall forfeit the value of such horse: one half for the benefit of the informant, the other half for the use of the United States, to be recovered, as aforesaid.

Forfeiture by the persons granting license trading with Indians.

SEC. 7. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses, to or from any Indian; and that any person, offending herein, shall forfeit one thousand dollars, and be imprisoned, at the discretion of the court, before which the conviction shall be had, not exceeding twelve months.

Purchases of their lands invalid unless made pursuant to the Constitution.

SEC. 8. *And be it further enacted*, That no purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by a treaty or convention entered into pursuant to the constitution; and it shall be a misdemeanor, in any person not employed under the authority of the United States, in negotiating such treaty or convention, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months, directly or indirectly to treat with any such Indians, nation or tribe of Indians, for the title or purchase of any lands by them held, or claimed: *Provided nevertheless*, That it shall be lawful for the agent or agents of any state, who may be present at any treaty, held with Indians under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with

Proviso.

the Indians, the compensation to be made for their claims to lands within such state, which shall be extinguished by the treaty.

SEC. 9. *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall and may be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and also to furnish them with goods or money, in such proportions, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think proper: *Provided*, That the whole amount of such presents, and allowance to such agents, shall not exceed twenty thousand dollars per annum.

President to furnish friendly Indian tribes, with domestic animals, &c.

to what amount in value.

SEC. 10. *And be it further enacted*, That the superior courts of each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes in each district of the United States, into which any offender against this act shall be first brought, or in which he shall be apprehended, shall have, and are hereby invested with full power and authority, to hear and determine all crimes, offences and misdemeanors against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts: And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States, in their respective districts, shall have, and are hereby invested with like power to hear and determine the same.

Before what courts crimes against this act may be tried.

SEC. 11. *And be it further enacted*, That it shall and may be lawful for the President of the United States, and for the governors of such territorial districts, respectively, on proof to them made, that any citizen or citizens of the United States, or of the said districts, or either of them, have been guilty of any of the said crimes, offences or misdemeanors, within any town, settlement or territory, belonging to any nation or tribe of Indians, to cause such person or persons to be apprehended, and brought into either of the United States, or of the said districts, and to be proceeded against in due course of law. And in all cases, where the punishment shall be death, it shall be lawful for the governor of the district, into which the offender may be first brought, or in which he may be apprehended, to issue a commission of oyer and terminer to the superior judges of the district, who shall have full power and authority to hear and determine all such capital cases, in the same manner, as the superior courts of such districts have, in their ordinary sessions: And when the offender shall be brought into, or shall be apprehended in any of the United States, except Kentucky, it shall be lawful for the President of the United States, to issue a like commission to any two judges of the supreme court of the United States, and the judge of the district, in which the offender may have been apprehended or first brought; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do.

President of U. S. and territorial governors how to proceed on proof made of crimes against this act.

SEC. 12. *And be it further enacted*, That all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, and the other half, to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case, the whole shall be to their use.

Disposition of fines and forfeitures under this act.

SEC. 13. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the jurisdiction of any of the individual states.

Construction of this act defined.

Acts within the purview of this act repealed.

Limitation of this act.

SEC. 14. *And be it further enacted*, That all and every other act and acts coming within the purview of this act, shall be and are hereby repealed.

SEC. 15. *And be it further enacted*, That this act shall be in force, for the term of two years, and from thence to the end of the then next session of Congress, and no longer.

APPROVED, March 1, 1793.

STATUTE II.

March 1, 1793.

CHAP. XX.—*An Act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes.*

[Expired.]

Fees in courts of admiralty of maritime jurisdiction, established.

1796, ch. 11.

1799, ch. 19, sec. 3.

Of the attorneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for, or in respect of any service to be done or performed, in any of the district courts of the United States, in cases of admiralty or maritime jurisdiction, than such as is herein after specified; that is to say:

Fees of the Counsellor or Attorney in the district court, in admiralty and maritime proceedings.

The stated fee for drawing and exhibiting libel, claim or answer in each cause, three dollars;

Drawing interrogatories, three dollars;

And all other services in any one cause, three dollars.

Fees of the clerks.

1799, ch. 19, sec. 3.

SEC. 2. *Fees of the clerk of the district court, in admiralty and maritime causes.*

For drawing every stipulation, process, monition or subpoena, for each sheet containing ninety words, fifteen cents.

And for engrossing each sheet, ten cents;

Entering the return of process, fifteen cents;

Filing every libel, claim, pleading, or other paper, six cents;

Copies of the pleadings, interrogatories, depositions and exhibits, when required, for each sheet of ninety words, ten cents;

Entering each proclamation, fifteen cents;

Entering each default, twelve cents;

Entering every rule of court, fifteen cents;

Examining each witness, and drawing his deposition, for each sheet containing ninety words, fifteen cents;

Certifying each exhibit or writing shown to a witness, at his examination, twenty-five cents;

Drawing every decree, or decretal order, for each sheet containing ninety words, fifteen cents;

And for entering the same in the minutes, for each sheet, as aforesaid, ten cents;

For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words, fifteen cents;

But no pleading, deposition, exhibit, or other writing, to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft.

Entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all the pleadings, depositions, exhibits and writings inserted therein, ten cents;

Every certificate, twenty cents;

Entering return of appraisement or sales, for each sheet of ninety words, ten cents;

Affixing the seal to any paper, when required, twenty-five cents;

Drawing commission to examine witnesses, for each sheet containing ninety words, fifteen cents;

And for engrossing the same, if on parchment, including the parchment, twenty cents;

Fees of the clerks.

And if on paper, for each sheet of ninety words, ten cents;

Swearing each witness in court, ten cents;

For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services, herein mentioned.

All money deposited in court, one and a quarter per cent.

SEC. 3. *Fees of the marshal in the district court, in admiralty and maritime causes.*

Of the Marshals.

For summoning every witness or appraiser, fifteen cents;

Making each proclamation, fifteen cents;

Serving every capias, attachment or summons, one dollar and fifty cents;

Travelling each mile, going only, either to serve process, or subpoena witnesses, ten cents;

Custody fees of a vessel, for each day, one dollar and fifty cents;

Sales, for any sum under five hundred dollars, two and an half per cent.; and for any larger sum, one and a quarter per cent. upon the excess.

SEC. 4. *And be it further enacted*, That there be allowed and taxed in the supreme, circuit and district courts of the United States, in favour of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attorneys and counsellors' fees, except in the district courts in cases of admiralty and maritime jurisdiction, as are allowed in the supreme or superior courts of the respective states.

Allowance to attendants on supreme, circuit or district courts how to be ascertained.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force for the term of one year, and from thence until the end of the next session of Congress thereafter, and no longer.

Limitation of this act.

APPROVED March 1, 1793.

STATUTE II.

CHAP. XXI.—*An Act making an appropriation to defray the expense of a Treaty with the Indians northwest of the Ohio.*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum not exceeding one hundred thousand dollars, arising from the surplus of former appropriations unexpended, shall be, and the same is hereby appropriated to defraying the expense of negotiating and treating with the hostile Indian tribes northwest of the river Ohio.

[Obsolete.]
Appropriation to defray expense of treaty with certain Indians.

SEC. 2. *And be it further enacted*, That each of the commissioners, who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his necessary expenses, of eight dollars per day, during his actual service, to be paid out of the monies so appropriated.

Allowance to the commissioners, &c.

APPROVED, March 2, 1793.

STATUTE II.

CHAP. XXII.—*An Act in addition to the Act, entitled "An Act to establish the Judicial Courts of the United States."*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the attendance of only one of the justices of the supreme court, at the several circuit courts of the United States, to be hereafter held, shall be sufficient, any law requiring the attendance of two of the said justices notwithstanding: *Provided*, That it shall be lawful for the supreme court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said justices to attend the circuit court or courts, and it shall be the duty of the justices so assigned, to attend

[Obsolete.]
Attendance of one supreme judge at a circuit court deemed sufficient, except in certain cases.

1793, ch. 20.

1802, ch. 31.

Rule for giving judgment in circuit courts in certain cases.

Judges of supreme court may direct special sessions of circuit courts for trial of criminal causes.

Duty of clerk in such cases;

Such sessions may be adjourned.

Privilege granted to district courts of Maine and Kentucky.

Bail for appearance by whom taken.

Writs of ne exeat by whom and when granted.

accordingly. *And provided also*, That when only one judge of the supreme court shall attend any circuit court and the district judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause, then pending, such circuit court may consist of the said judge of the supreme court alone.

SEC. 2. *And be it further enacted*, That if at any time only one judge of the supreme court, and the judge of the district shall sit in a circuit court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the court, they shall be divided in opinion, it shall be continued to the succeeding court; and if upon the second hearing when a different judge of the supreme court shall be present, a like division shall take place, the district judge adhering to his former opinion, judgment shall be rendered in conformity to the opinion of the presiding judge.

SEC. 3. *And be it further enacted*, That the supreme court, or when the supreme court shall not be sitting, any one of the justices thereof together with the judge of the district within which a special session as hereafter authorized shall be holden, may direct special sessions of the circuit courts to be holden for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed, than the place or places, appointed by law for the ordinary sessions: That the clerk of such circuit court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same, to be notified for at least three weeks successively, in one or more of the newspapers published nearest to the place where the session is to be holden: That all process, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the circuit court: That all business depending for trial at any special court, shall at the close thereof be considered as of course removed to the next stated term of the circuit court: And that the district courts of Maine and Kentucky, shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given, or is hereby given to the circuit courts, subject to the like regulations and restrictions.

SEC. 4. *And be it further enacted*, That bail for appearance in any court of the United States, in any criminal cause in which bail is by law allowed, may be taken by any judge of the United States, any chancellor, judge of a supreme or superior court, or chief or first judge of a court of common pleas of any state, or mayor of a city in either of them, and by any person having authority from a circuit court, or the district courts of Maine or Kentucky to take bail; which authority, revocable at the discretion of such court, any circuit court or either of the district courts of Maine or Kentucky, may give to one or more discreet persons learned in the law in any district for which such court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before named officers, such provision shall, in the opinion of the court, be necessary.—*Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the United States, to any description of persons to take bail.

SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the supreme court in cases where they might be granted by the supreme or a circuit court; (a) but

(a) The district judges of the courts of the United States have no authority to issue writs of ne exeat. *Gernon v. Boecaline*, 2 Wash. C. C. R. 130.

no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a state; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

SEC. 6. *And be it further enacted*, That subpoenas for witnesses who may be required to attend a court of the United States, in any district thereof, may run into any other district: *Provided*, That in civil causes, the witnesses living out of the district in which the court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

Subpoenas for witnesses how far to extend.

SEC. 7. *And be it further enacted*, That it shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation and otherwise in a manner not repugnant to the laws of the United States, to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

Courts to make rules for returning writs, &c.

SEC. 8. *And be it further enacted*, That where it is now required by the laws of any state, that goods taken in execution on a writ of fieri facias, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the state, to appraise goods taken in execution, on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court held under the authority of the state; and it shall be the duty of the marshal, in whose custody such goods may be, to summon the appraisers, in like manner, as the sheriff is by the laws of the state required to summon them; and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the state; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods, without an appraisement.

Goods taken on writ of fieri facias how to be appraised.

APPROVED, March 2, 1793.

STATUTE II.

CHAP. XXIII.—*An Act to alter the times and places of holding the Circuit Courts, in the Eastern District, and in North Carolina, and for other purposes.*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the spring circuit courts of the eastern district, instead of being held at the times and places now established by law for holding the same, shall from henceforth be held at the times and places following respectively, namely; for the district of New York, at New York, on the fifth day of April; for the district of Connecticut, at New Haven, on the twenty-fifth day of April; for the district of Vermont, at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May; for the district of New Hampshire, at Portsmouth, on the twenty-seventh day of May; for the district of Massachusetts, at Boston, on the seventh day of June; and for the district of Rhode Island, at Newport, on the nineteenth day of June. And if any of the said days shall happen on a Sunday, the

[Obsolete.]

Times for holding spring circuits of eastern district and N. Carolina altered.

1790, ch. 17.
1797, ch. 27.
1806, ch. 13.

The affidavit upon which the writ will issue, must be positive to a debt, or to the belief of the plaintiff that a certain balance is due. *Ibid.*

The Circuit Court of the United States for the district of Pennsylvania awarded a writ of ne exeat on the proper affidavit being made. *Ibid.*

1802, ch. 31.

N. Carolina
circuit court
after June
where to be
held.

District judge
of N. Carolina
how to have ju-
rymen sum-
moned for said
June term.

courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said courts, and all appeals, processes and recognizances returned, or returnable to the same, and all officers, jurors, parties and witnesses, shall be conformable to this act.

SEC. 2. *And be it further enacted*, That from and after the expiration of the session of the circuit court of the state of North Carolina, which is to commence on the first day of June next (which session shall be held, any thing in this act notwithstanding, at Newbern) the stated sessions of the said court shall be held at Wake courthouse, either in the courthouse belonging to the said county, or in some convenient building contiguous thereto, until there shall be convenient accommodations for the said purpose in the city of Raleigh, in the said state; after which, and upon its being made so to appear to the said court, the said court is hereby authorized and directed at the close of the session then depending, to adjourn the said court to meet at its next stated session in the city of Raleigh; which said city of Raleigh shall thereafter be the place at which the stated sessions of the said court shall be constantly held.

SEC. 3. *And be it further enacted*, Inasmuch as there was not a sufficient *quorum* of judges to hold the circuit court for the district of North Carolina, for the purpose of doing business, at November term one thousand seven hundred and ninety-two, that it shall and may be lawful for the district judge of the state of North Carolina to direct the clerk of the said court to issue such process for the purpose of having jurymen summoned to attend the said court at the term to commence on the first day of June next, as he had before issued for the like purpose, returnable to November term above mentioned; that the jurymen ordered by the said process to be summoned shall be ordered to be summoned in the same proportion, and from the same counties, as those jurymen who were ordered to be summoned by the process returnable at November term above mentioned: And the marshal is to execute the said process, and the jurymen legally summoned in consequence thereof, are to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued as usual, by the said court; and the marshal and the jurymen who attend at the said court shall be entitled to the like allowance for their services respectively. And it is hereby declared, that all suits and proceedings of what nature or kind soever which have been commenced in the said court, and not finished, shall be proceeded on at the ensuing term in the same manner and to the same effect, as if the said circuit court had been regularly held at November term as aforesaid, and continuances had been regularly held of all such suits and proceedings, from the said last mentioned term to the ensuing term.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

1790, ch. 35.
Repealed by
Act of March 2,
1799, ch. 22.

Hardwick in
Georgia estab-
lished a district.

One port of
entry therein
and a collector.

CHAP. XXIV.—*An Act supplementary to the act, entitled, "An act to provide more effectually for the collection of the Duties imposed by law on Goods, Wares and Merchandise, imported into the United States, and on the Tonnage of Ships or Vessels."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be in the state of Georgia, a district, to be called the district of Hardwick, to comprehend all the waters, shores, bays, harbors, creeks and rivers, between the south point of Ossabow island, and the south point of Warsaw island; that in the said district the town of Hardwick shall be the only port of entry, and a collector for said district shall be appointed to reside at Hardwick, and the said collector shall be entitled to

receive the like fees and the same yearly allowance, which is paid to the collector of the district of St. Mary's, in the said state.

SEC. 2. *And be it further enacted*, That so much of Lake Champlain, with the shores, bays and rivers connected therewith, as lieth within the state of New York, shall be one entire district, to be called the district of Champlain; and the President of the United States be, and hereby is authorized to appoint such place within said district to be the port of entry and delivery within the same as he may deem expedient; and a collector for the said district shall be appointed to reside at such place within said district as the President of the United States shall direct, who shall be allowed the same fees as are allowed the collector in the district of Vermont: *Provided nevertheless*, That the exception contained in the sixty-ninth section of the act above mentioned, relative to the district of Louisville, shall be, and hereby is extended to the district of Champlain.

Champlain in N. York established a district.

President to appoint port of entry and collector therein.

1790, ch. 35, sec. 69.

SEC. 3. *And be it further enacted*, That from and after the last day of June next, the collectors in the districts of Vermont and Champlain, in addition to the fees and emoluments which may accrue to them in the collection of the duties of impost and tonnage by the provisions already made, shall severally have and be entitled to receive the yearly sum of one hundred dollars each.

Allowance to collectors of Vermont and Champlain a ter June next.

SEC. 4. *And be it further enacted*, That from and after the last day of June next, the allowance of one half per centum to the collectors of the districts of Pennsylvania and of the city of New York, and the allowance of one per centum to the collectors of the districts of Boston and Charlestown, and of Baltimore, on the amount of all the monies by them respectively received, on amount of the duties of impost and tonnage shall cease, and instead thereof, from and after the said last day of June next, the collectors of the districts of Pennsylvania and of the city of New York, shall be entitled to three eighths of one per centum, and the collectors of the districts of Boston and Charlestown, and of Baltimore, shall be entitled to three fourths of one per centum, on all such monies by them respectively received.

And to the collectors of Penn'a, New York, Boston and Charlestown, and Baltimore.

SEC. 5. *And be it further enacted*, That from and after the first day of January next, no officer of the customs, or other person employed under the authority of the United States, in the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, shall own, in whole or in part, any ship or vessel, or act as agent, attorney or consignee for the owner or owners of any ship or vessel, or of any cargo or lading on board the same: Nor shall any officer of the customs or other person employed in the collection of the duties as aforesaid, import, or be concerned directly or indirectly in the importation of any goods, wares or merchandise into the United States, on penalty that every person so offending and being thereof convicted, shall forfeit the sum of five hundred dollars.

Forfeiture on revenue officers owning any ship or vessel, &c. after 1st Jan. 1794.

SEC. 6. *And be it further enacted*, That so much of the twelfth section of an act, entitled "An act making alterations in the treasury and war departments," as restricted all officers of the United States employed in the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any state, or of any public property of either, be and the same is hereby repealed; so far as the same prohibits them from disposing of their interest in the funds or debts of the United States, or of any of the said states.

And 12th sec. of certain act so far as affects the disposal of their interest in the funds repealed. 1792, ch. 37.

SEC. 7. *And be it further enacted*, That the President of the United States may, if he shall judge it conducive to the public interest, increase the complement of mariners to the several revenue cutters, so that the

President may increase mariners to the cutters.

Allowance of pay to the officers and men after 1st April.

number do not exceed seven mariners to each cutter; and that from and after the first day of April next, there be allowed, in lieu of the compensations now established, to the master of each revenue cutter, forty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate, twenty-six dollars per month; to a second mate, twenty dollars per month; to a third mate, eighteen dollars per month; to every mate, the subsistence of a lieutenant of the said army; and to each mariner, not exceeding ten dollars per month, to be paid by the collectors of the revenue, who shall be designated for that purpose: And that the Secretary of the Treasury be, and he is hereby authorized to contract for the supply of rations for the officers and men of the said cutters, on such terms as shall, from time to time, appear reasonable.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXV.—*An Act providing for the payment of the First Instalment due on a Loan made of the Bank of the United States.*

[Obsolete.]
President may apply certain monies

to pay first instalment to Bank of U. S.

1790, ch. 47.

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 hereby is authorized and empowered to apply two hundred thousand dollars, of the monies which may have been borrowed, in pursuance of the fourth section of the act, intituled "An act making provision for the reduction of the public debt," in payment of the first instalment, due to the Bank of the United States, upon a loan made of the said bank, in pursuance of the eleventh section of the act for incorporating the subscribers to the said bank.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXVI.—*An Act for extending the time for receiving on loan that part of the Domestic Debt of the United States, which may not be subscribed, prior to the first day of March, one thousand seven hundred and ninety-three.*

[Obsolete.]
Domestic debt term for receiving on loan extended to June 1794.

1794, ch. 36.
Act of May 8, 1792, ch. 38.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the term for receiving on loan that part of the domestic debt of the United States, which shall not have been subscribed, in pursuance of the act, intituled "An act supplementary to the act making provision for the debt of the United States," be extended, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of June, one thousand seven hundred and ninety-four inclusively, on the same terms and conditions, as are contained in the act, intituled "An act making provision for the debt of the United States: *Provided,* That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.

Privilege of non-subscribing creditors.

SEC. 2. *And be it further enacted,* That such of the creditors of the United States, as have not subscribed, and shall not subscribe to the said loan, shall nevertheless receive, during the year one thousand seven hundred and ninety-three, a rate per centum on the amount of such of their demands, as shall have been registered, conformable to the directions contained in the said act, on or before the last day of June, one thousand seven hundred and ninety-four, equal to the interest, which would be payable to them, as subscribing creditors.

APPROVED, March 2, 1793.

CHAP. XXVII.—*An Act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.*

STATUTE II.
March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all expenses, which shall accrue from the first day of July next inclusively, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys, the stakeage of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-four, notwithstanding such lighthouses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same shall not, in the mean time, be ceded to, or vested in the United States, by the state or states respectively, in which the same may be; and that the said time be further allowed to the states respectively, to make such cession.

Lighthouses,
&c. expenses
accruing on
them to be de-
frayed by U. S.
till 1st July
1794.

1791, ch. 24.
1792, ch. 17.
1795, ch. 40.
1796, ch. 4.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury be authorized and directed to cause a floating beacon or buoy to be provided and placed on Smith's Point shoal, in the Chesapeak bay, and a beacon or floating buoy at the southwest straddle on the Royal shoal, near Ocracoke inlet, in North Carolina.

Secretary of
Treasury to
place beacons in
the Chesapeake
and N. Carolina.

APPROVED, March 2, 1793.

STATUTE II.

CHAP. XXX.—*An Act making certain Appropriations therein mentioned.*

March 2, 1793.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated to the purposes hereinafter mentioned, to be paid out of any monies, which shall come into the treasury of the United States, to the end of the present year, (not proceeding from the duties on imports and tonnage) and not heretofore appropriated, and out of the surplus of any of the duties of impost and tonnage, which may accrue, during the present year, the sum of fifty-nine thousand one hundred and seven dollars and forty-one cents:

[Obsolete.]
Appropriation
of certain mo-
nies for defray-
ing certain spe-
cific demands.

For purchasing two lots of ground, with the buildings thereon, and for erecting other buildings, and purchasing sundry materials and necessities for the use of the mint, twelve thousand and seventy-nine dollars and seventy-eight cents:—for the salaries of the officers of the mint, from the first day of July to the thirty-first day of December, one thousand seven hundred and ninety-two, two thousand six hundred and ninety-four dollars and eighty-eight cents:—for the salary of the following officers of the mint, for the year one thousand seven hundred and ninety-three; the director, two thousand dollars;—the assayer fifteen hundred dollars;—the chief coiner, fifteen hundred dollars;—the engraver, twelve hundred dollars;—the treasurer, twelve hundred dollars;—three clerks, five hundred dollars each, fifteen hundred dollars:—for defraying the expenses of workmen, for the year one thousand seven hundred and ninety-three, a sum not exceeding two thousand six hundred dollars:—for defraying the expenses of bringing to the seat of government, the votes of the electors in the several states for President and Vice-President, a sum not exceeding one thousand four hundred and ninety-nine dollars:—for discharging the claim of Return Jonathan Meigs, and the legal representatives of Christopher Greene, the sum of four hundred dollars:—for the pay, subsistence and forage due to Winthrop Sargent, as adjutant-general to the troops late under the command of General St. Clair, five hundred and sixty-nine dollars and forty-five cents:—for paying Dunlap and Claypoole, for printing performed under the direction of a committee of the convention of the United States, four hundred and

Appropriations
for defraying
certain specific
demands.

twenty dollars:—for defraying certain extra expenses of the doorkeeper of the House of Representatives, and for clerk hire, and allowance to witnesses attending the late committee appointed to inquire into the failure of the expedition under General St. Clair, four hundred dollars:—for paying the principal clerk to the secretary of the Senate, for his services, from the first of July to the fourth of November, one thousand seven hundred and ninety-two, one hundred and twenty-seven days, at three dollars per day, three hundred and eighty-one dollars:—for paying the same clerk for his services, for six months, over and above his former allowance, five hundred and forty-seven dollars and fifty cents:—for six months additional pay to the engrossing clerk, three hundred and sixty-five dollars:—for extra services of the doorkeeper, during the present session, ninety-one dollars and fifty cents:—for defraying the expense attending the stating and printing the public accounts, in pursuance of the order of the House of Representatives, of the thirtieth of December, one thousand seven hundred and ninety-one, a sum not exceeding eight hundred dollars:—for paying the account of the trustees of Wilmington public grammar school and academy, two thousand five hundred and fifty-three dollars and sixty-four cents:—to make good so much deficient in the appropriation of the year one thousand seven hundred and ninety-one, for defraying the expenses of lighthouses, beacons, buoys and public piers, a sum not exceeding nine hundred and fifty-five dollars and sixty-six cents:—for building a lighthouse on Montok point, a sum not exceeding twenty thousand dollars:—for completing the lighthouse on Baldhead, at the mouth of Cape Fear river, two thousand dollars:—for the salaries of clerks, not exceeding three, to be employed in the office of the commissioner of the revenue, at the rate of five hundred dollars per annum, fifteen hundred dollars:—for defraying the expense of books and printing, incident to the acts for recording the registering of ships, or vessels, and enrolling and licensing vessels employed in the coasting trade, three hundred and fifty dollars.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXXI.—*An Act making addition to the Compensation of certain Public Officers.*

Additional
annual allow-
ance to certain
officers of the
Treasury.

1799, ch. 38.
1792, ch. 37,
sec. 6, 10.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the Auditor of the Treasury, the sum of five hundred dollars; to the Commissioner of the Revenue, the sum of five hundred dollars; to the Comptroller of the Treasury, the sum of two hundred and fifty dollars, and to the Register of the Treasury, the sum of two hundred and fifty dollars per annum, in addition to the compensation already allowed to them respectively, to commence on the first day of April next, payable in like manner as the present compensations are payable.

APPROVED, March 2, 1793.