

ACTS OF THE THIRD CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the second day of December, 1793, and ended on the ninth day of June, 1794.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; RALPH IZARD, President of the Senate pro tempore; FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act making an alteration in the Flag of the United States.*

Jan. 13, 1794.

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, Anno Domini, one thousand seven hundred and ninety-five, the flag of the United States, be fifteen stripes alternate red and white. That the Union be fifteen stars, white in a blue field.(a)

APPROVED, January 13, 1794.

Alteration in
Flag of United
States.

STATUTE I.

CHAP. IV.—*An Act in alteration of the act establishing a Mint and regulating the Coins of the United States.*

March 3, 1794.

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 passing this act it shall be the duty of the treasurer of the mint to receive and give receipts for all metals which may lawfully be brought to the mint to be coined; and for the purpose of ascertaining their respective qualities, shall deliver from every parcel so received, a sufficient number of grains to the assayer, who shall assay all such of them as may require it. And the said treasurer shall from time to time deliver the said metals to the chief coiner to be coined in such quantities as the director of the mint may prescribe.

Duty of Treasurer of the mint herein.
Act of April 2, 1792, ch. 16.

Assay.

SEC. 2. *And be it further enacted,* That the assayer and chief coiner of the mint previous to entering upon the execution of their respective offices shall each become bound to the United States of America with one or more sureties to the satisfaction of the Secretary of the Treasury, the said assayer in the sum of one thousand dollars and the said chief coiner in the sum of five thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

Assayer and chief coiner to give bond, &c.

SEC. 3. *And be it further enacted,* That so much of the act entitled "An act establishing a mint and regulating the coins of the United States," as comes within the purview of this act be and the same is hereby repealed.

Part of certain act repealed.
1792, ch. 16.

APPROVED, March 3, 1794.

(a) By the act of April 4, 1818, chap. 32, the following provision is made relating to the flag of the United States:

SEC. 1. That from and after the 4th of July next, (July 4, 1818,) the flag of the United States be thirteen horizontal stripes, alternately red and white. That the union be twenty stars white in a blue field.

SEC. 2. That on the admission of any new state into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next ensuing.

STATUTE I.

March 7, 1794.

CHAP. V.—*An Act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States.*

WHEREAS the disastrous situation of the town of Cape Francois, in the island of Hispaniola, compelled sundry vessels belonging to citizens of the French Republic, in the month of June last, to take refuge within the ports of the United States: and whereas they are liable by law to the payment of foreign tonnage, which, considering the necessity of their case, ought equitably to be remitted to them: Therefore,

Remission of tonnage duty to certain French vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties on the tonnage, to which any of the vessels aforesaid are, or may have been liable, within any of the ports of the United States, be, and are hereby remitted: *Provided nevertheless,* That the master, owner or consignee, of every such vessel shall make proof to the proper officer of the port in which such vessel may be, that the said vessel was compelled to leave the said island of Hispaniola, and to take refuge within the said port, by reason of the calamity aforesaid.

On what proof.

APPROVED, March 7, 1794.

STATUTE I.

March 14, 1794.

CHAP. VI.—*An Act making Appropriations for the support of Government, for the year one thousand seven hundred and ninety-four.*

Specific appropriations for support of government for 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-four, together with the incidental and contingent expenses of the several departments and offices thereof; and for making good deficiencies for the support of the civil list establishment; for aiding the fund appropriated for the payment of certain officers of the courts, jurors and witnesses; for the support of lighthouses, and for other purposes, there be appropriated a sum of money not exceeding five hundred and twenty-one thousand four hundred and forty-seven dollars and twenty-four 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 eighty-five thousand, eight hundred and ninety dollars:

For the expenses of firewood, stationery, printing-work, and all other contingent expenses of the two houses of Congress, ten thousand dollars:

For the compensations granted by law, to the chief justice, associate judges, district judges, and attorney general, forty-three thousand two hundred dollars:

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 State, clerks and persons employed in his office, six thousand eight hundred dollars:

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of State, including the expense which will attend the publication of the laws of the first session of the third Congress, and for printing an edition of the same, to be distributed, according to law, two thousand and sixty-one dollars, and sixty-seven cents:

Specific appropriations for support of government for 1794.

For making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-three, for extra-services of clerks in the office of the Secretary of State, in preparing documents for Congress, and for an index to the laws of the second Congress, eight hundred dollars :

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, seven thousand eight hundred and fifty dollars :

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, ten thousand two hundred dollars :

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars :

For compensation to the Treasurer, clerks and persons employed in his office, four thousand one hundred dollars :

For expense of firewood, stationery, printing and other contingencies in the Treasurer's office, four 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 expense of stationery, printing and other contingent expenses in the Auditor's office, five hundred dollars :

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, six thousand one hundred and fifty dollars :

For the expenses of stationery, printing and other contingent expenses in the office of the Commissioner, three hundred dollars :

For compensation to the Register of the Treasury, clerks and persons employed in his office, fifteen thousand dollars :

For the expenses of stationery, printing and other contingent expenses in the Register's office, (including books for the public stocks) two thousand dollars :

For the payment of rent for the several houses employed in the treasury department, one thousand five hundred and ninety-six dollars and sixty-six cents :

For wood and candles in the several offices of 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 the several loan officers, for stationery and clerk-hire, between the first day of March, and the thirty-first day of December, one thousand seven hundred and ninety-three inclusive, the sum of seventeen thousand three hundred and seventy-seven dollars and seventy-five cents :

For compensation to the Secretary of War, clerks and persons employed in his office, seven thousand and fifty dollars :

For expenses of firewood, stationery, printing and other contingent expenses in the office of the Secretary of War, eight hundred dollars.

For making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-three, for contingent expenses in this office, two hundred and five dollars and seventy-six cents :

For compensation to the Accountant to the war department, and clerks in his office, four thousand seven hundred dollars :

For contingent expenses in the office of the Accountant to the war department, four hundred dollars :

For compensations to the following officers of the mint;—the Director, two thousand dollars;—the Assayer, one thousand five hundred dollars;—the Chief Coiner, one thousand five hundred dollars;—the Engraver, one thousand two hundred dollars;—the Treasurer, one thousand two hundred dollars;—three Clerks, at five hundred dollars each, one thousand five hundred dollars :

Specific appropriations for support of government for 1794.

For defraying the expenses of workmen, for the year one thousand seven hundred and ninety-four, three thousand three hundred and eighty-five dollars:

For the several expenses of the mint, including the pay of a Refiner, when employed, for gold, silver and copper, and for the completion of the melting furnaces, two thousand seven hundred dollars:

For replacing a sum of money advanced at the Bank of the United States, for the purpose of an importation of copper, to be coined at the mint, ten thousand dollars:

For defraying the expense of copper, purchased in the year one thousand seven hundred and ninety-three, seven thousand three hundred and fifty dollars:

For the purchase of copper, in the year one thousand seven hundred and ninety-four, seven thousand three hundred and fifty 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 sundry pensions granted by the late government, two thousand three hundred and sixty-seven dollars and seventy-three cents:

For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars:

1793, ch. 14.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Truman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars:

For arrearages of pension due to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Truman, to the thirty first of December, one thousand seven hundred and ninety-three, six hundred and seventy-five dollars:

For the annual allowance for the education of Hugh Mercer, son of the late Major-general Mercer, four hundred dollars:

For the maintenance and repair of lighthouses, beacons, piers, stakes and buoys, twenty thousand dollars:

To make good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the maintenance and repair of lighthouses, beacons, piers, stakes and buoys, four 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:

1792, ch. 26.

For a balance stated by the Auditor of the Treasury, to be due to the estate of the late Major-general Greene, pursuant to the act of Congress, of the twenty-seventh of February, one thousand seven hundred and ninety-two, to indemnify the said estate for a certain bond entered into by him, during the late war, in which is included interest due on the bonds from their dates, to the twelfth of April one thousand seven hundred and ninety-three, thirty-three thousand, one hundred and eighty-seven dollars, and sixty-seven cents:

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-three, eight hundred dollars:

For the payment of such demands, not otherwise provided for, as shall have been duly allowed by the officers of the treasury, five thousand dollars.

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 :

First. The sum of six hundred thousand dollars, reserved by the act making provision for the debt of the United States :

Secondly. The surplus of revenue and income beyond the appropriations heretofore charged thereupon to the end of the year one thousand seven hundred and ninety-four.

1790, ch. 34.

APPROVED, March 14, 1794.

STATUTE I.

CHAP. VII.—*An Act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act intituled "An act providing the means of intercourse between the United States and foreign nations."*

March 20, 1794.

[Obsolete.]

Act of July 1, 1790, ch. 22.

Additional appropriations to support intercourse between United States and foreign nations.

1796, ch. 41.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum of one million of dollars, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred, in relation to the intercourse between the United States and foreign nations, to be paid out of any monies, which may be in the treasury, not otherwise appropriated, and to be applied, under the direction of the President of the United States, who, if necessary, is hereby authorized to borrow the whole or any part of the said sum of one million of dollars; an account of the expenditure whereof, as soon as may be, shall be laid before Congress.

SEC. 2. *And be it further enacted,* That the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety, together with the second section of the act, intituled "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," passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force, for the term of one year from the passing of this act, and from thence, until the end of the next session of Congress thereafter holden, and no longer.

Certain acts continued in force.

1790, ch. 22.
Act of Feb. 9, 1793, ch. 4.

APPROVED, March 20, 1794.

STATUTE I.

CHAP. VIII.—*An Act authorizing a Loan of one million of Dollars.*

March 20, 1794.

[Obsolete.]

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 borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding one million of dollars, at an interest not exceeding five per centum per annum, reimbursable at the pleasure of the United States, to be applied to such public purposes, as are authorized by law, and to be repaid out of the duties on imports and tonnage to the end of the present year: And that it shall be lawful for the Bank of the United States, and the said bank hereby is authorized and empowered to make the loan aforesaid.

President of United States authorized to borrow \$1,000,000.

APPROVED, March 20, 1794.

STATUTE I.

CHAP. IX.—*An Act to provide for the Defence of certain Ports and Harbors in the United States.*

March 20, 1794.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following ports and harbors be fortified under the direction of the President

Certain ports and harbors to be fortified.

Act of May 9, 1794, authorizes the fortification of the city of Annapolis.

President of U. S. may employ, as garrisons, troops on military establishment.

Cause cannon to be purchased.

And receive cessions of certain lands.

of the United States, and at such time or times, as he may judge necessary, to wit: Portland in the district of Maine; Portsmouth in the state of New Hampshire; Gloucester, Salem, Marblehead and Boston, in the state of Massachusetts; Newport in the state of Rhode Island; New London in the state of Connecticut; New York; Philadelphia; Wilmington in the state of Delaware; Baltimore in the state of Maryland; Norfolk and Alexandria in the state of Virginia; Cape Fear river and Ocracock inlet in the state of North Carolina; Charleston and Georgetown in the state of South Carolina; and Savannah and Saint Mary's in the state of Georgia.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to employ, as garrisons in the said fortifications, or any of them, such of the troops on the military establishment of the United States, as he may judge necessary; and to cause to be provided one hundred cannon, of a caliber each to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a caliber each to carry a ball of twenty-four pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon-shot.

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to receive from any state (in behalf of the United States) a cession of the lands, on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or where such cessions shall not be made, to purchase such lands, on behalf of the United States: *Provided*, that no purchase shall be made, where such lands are the property of a state.

APPROVED, March 20, 1794.

STATUTE I.

March 21, 1794.

[Obsolete.]

Specific appropriations for military establishment for 1794.

CHAP. X.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand seven hundred and ninety-four.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military establishment of the United States, for the year one thousand seven hundred and ninety-four; for repairs and articles directed to be made and purchased by the President of the United States; for invalid pensioners; for fortifying certain ports and harbors; and for the purchase of cannon, implements and shot, there be appropriated a sum of money, not exceeding one million, six hundred and twenty-nine thousand, nine hundred and thirty-six dollars, and one cent; that is to say: For the pay of the legion of the United States, three hundred and three thousand, six hundred and eighty-four dollars: For subsistence, three hundred and twelve thousand, five hundred and sixty-seven dollars, and seventy-five cents: For forage, thirty-one thousand six hundred and thirty-two dollars: For clothing, one hundred and twelve thousand dollars: For equipments for the cavalry, seven thousand three hundred and fourteen dollars, and five cents: For horses for the cavalry, sixteen thousand dollars: For bounty to the soldiers, five thousand dollars: For the hospital department, twenty thousand dollars: For the ordnance department, six thousand seven hundred and fifteen dollars, and thirty-two cents: For defensive protection of the frontiers, one hundred and thirty thousand dollars: For the Indian department, fifty thousand dollars: For the quartermaster's department, one hundred and fifty thousand dollars: For contingencies of the war department, thirty thousand dollars: For repairs and articles directed to be made and purchased by the President of the United States, two hundred and two thousand seven hundred and eighty-three dollars, and thirty-four cents:

For invalid pensioners, eighty thousand two hundred and thirty-nine dollars, and fifty-five cents: For fortifying certain ports and harbors of the United States, and purchasing the lands necessary for the erection of the same, seventy-six thousand dollars: For the purchase of cannon, implements and shot, ninety-six thousand dollars.

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: First, the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-four: Secondly, the surplus of revenue and income, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four: And thirdly, 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-three.

Out of what funds payable.

1790, ch. 34.

APPROVED, March 21, 1794.

STATUTE I.

CHAP. XI.—*An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country.*(a)

March 22, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no citizen or citizens of the United States, or foreigner, or any other person com-

Forfeiture of ship, &c. concerned in slave trade.

(a) The acts prohibiting and punishing the Slave trade, are: An act to prohibit the carrying on the slave trade from the United States to any foreign place or country, March 22, 1794, chap. 11; an act in addition to the act entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," May 10, 1800; an act to prevent the introduction of certain persons into certain states, where by the laws thereof their admission is prohibited, February 28, 1803, chap. 10; an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the first of January one thousand eight hundred and eight, March 2, 1807, chap. 22; an act in addition to an act entitled, "An act to prohibit the importation of slaves within the jurisdiction of the United States from and after the first day of January one thousand eight hundred and eight," April 20, 1813, chap. 86; an act to continue in force "an act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy, May 15, 1820, chap. 112, sec. 4, 5.

Decisions of the Courts of the United States on the acts prohibiting and punishing the Slave Trade.—A libel or information under the 9th section of the slave trade act of March 2, 1797, alleging that the vessel sailed from the port of New York and Perth Amboy, without the captain having delivered the manifest required by law, to the collector or surveyor of the port of New York and Perth Amboy, is defective; the act requiring the manifest to be delivered to the collector or surveyor of a single port. The Mary Ann, 8 Wheat. 380; 5 Cond. Rep. 471.

Under the same section, the libel must charge the vessel to be of the burthen of forty tons or more. In general it is sufficient to charge the offence in the words directing the forfeiture. But if the words are general, embracing a whole class of individual subjects, they must necessarily be so construed as to embrace only a subdivision of that class; the allegation must conform to the legislative sense and meaning. *Ibid.*

The prohibitions in the slave trade acts of May 10, 1800, and April 20, 1818, extend as well to carrying slaves on freight, as to cases where the persons transported are the property of the United States; and the carrying of them from one port to another of the same foreign empire, as well as from one foreign country to another. The Merino, 9 Wheat. 391; 5 Cond. Rep. 623.

Under the 4th section of the act of May 10, 1800, the owner of the slaves transported contrary to the provisions of that act, cannot claim the same in a court of the United States, although, according to the laws of his own country, they may be held in servitude. But if at the time of capture by a commissioned vessel, the offending ship was in the possession of a non-commissioned captor, who had made a seizure for the same offence, the owner of the slaves may claim them; the section only applying to persons interested in the enterprise or voyage in which the ship was employed, at the time of such capture. *Ibid.*

Under the slave trade act of 1794, sec. 1, it is not necessary, in order to incur the forfeiture, that the vessel shall be completely fitted and ready for sea. As soon as the preparations have proceeded so far as clearly to manifest the intention, the right of seizure attaches. The Emily and Caroline, 9 Wheat. 381; 5 Cond. Rep. 623.

The African slave trade is a trade which has been authorized and protected by the laws of all commercial nations. The right to carry it on has been claimed by each, and exercised by each; and it therefore cannot be considered as contrary to the laws of nations. The slave trade remains lawful to those nations which have not forbidden it. The Antelope, 10 Wheat. 66; 6 Cond. Rep. 30.

If the slave trade is not contrary to the laws of nations, it cannot be piracy, unless so declared by statute; and the obligations of such statute cannot exceed the power of the state which has enacted it. *Ibid.*

No vessels to be built or fitted out to carry on the slave trade. ing into, or residing within the same, shall, for himself or any other person whatsoever, either as master, factor or owner, build, fit, equip, load or otherwise prepare any ship or vessel, within any port or place of the said United States, nor shall cause any ship or vessel to sail from

A foreign vessel engaged in the slave trade, captured on the high seas, in time of peace, by an American cruiser, and brought in for adjudication, will be restored, even where the vessel belongs to a nation which has prohibited the trade. *Ibid.*

The right of visitation and search does not exist in time of peace. A vessel engaged in the slave trade in time of peace, even if belonging to a nation which has prohibited the trade, cannot, for that cause alone, be seized on the high seas, and brought in for adjudication in the courts of another country. But if the laws of that other country be violated, or the proceeding be authorized by treaty, the capture is not illegal. *Ibid.*

Africans who are first captured by a belligerent privateer, fitted out in violation of our neutrality, or by a pirate, and then recaptured and brought into the ports of the United States, under a reasonable suspicion that a violation of the slave trade acts was intended, are not to be restored without full proof of the proprietary interests; for in such a case the capture is lawful. And whether in such a case restitution ought to be decreed or not, was a question on which the court was equally divided. *Ibid.*

The District Courts have jurisdiction under the slave trade acts, to determine who are the actual captors, under a state law made in pursuance of the 4th section of the slave trade act of 1807; and directing the proceeds of the negroes to be paid, "one moiety for the use of the commanding officer of the capturing vessel," &c. *The Josefa Segunda*, 10 Wheat. 312; 6 Cond. Rep. 111.

Under the 7th section of the slave trade act of 1807, the entire proceeds of the vessel are forfeited to the use of the United States; unless the seizure be made by armed vessels of the navy, or by revenue cutters; in which case distribution is to be made in the same manner as prizes taken from the enemy. *Ibid.*

Upon an indictment under the slave trade act of April 20, 1818, against the owner of the ship, testimony of the declarations of the master, being a part of the *res gestæ*, connected with acts in furtherance of the voyage and within the scope of his authority as the agent of the owner, in the conduct of the guilty enterprise, is admissible. Upon such an indictment against the owner, charging him with fitting out the ship, with an intent to employ her in the illegal voyage, evidence is admissible that her commander authorized, and directed the fitting through the instrumentality of his agent, without being personally present. *The United States v. Gooding*, 12 Wheat. 460; 6 Cond. Rep. 572.

It is not essential to constitute the fitting out, under the acts of Congress, that every equipment necessary for a slave voyage, or any equipment peculiarly adapted to such a voyage, should be taken on board. It is sufficient if the vessel is actually fitted out with intent to be employed in the illegal voyage. The offence may be laid in the words of the statute. *Ibid.*

Nor is it necessary that there should be some principal offender, to whom the defendant might be aiding and abetting. Those terms in the statute do not refer to the relation of principal and accessory in cases of felony, but to the actor; and they who aid and abet the act, are considered as principals. The offence must be alleged to have been committed within the United States. *Ibid.*

Under the act of March 22, 1794, prohibiting the slave trade, if the original object and equipment of the voyage from the United States, was to carry on the African slave trade, the forfeiture attaches, whether the vessel was then owned by American citizens or by foreigners. It is equally unimportant if the act was done by the party, *suo jure*, or for the benefit of another. *The Margaret*, 9 Wheat. 421; 5 Cond. Rep. 638.

Even if the equipments are innocent, and adapted to ordinary voyages, if there is positive proof of a guilty intention, forfeiture will attach. Nor is it necessary that the equipments shall have been completed. It is sufficient if any preparations have been made for the unlawful voyage. *Ibid.*

Under the 2d and 3d sections of the act of April, 1818, the offence of sailing from a port to engage in the slave trade, is not committed unless the vessel sails out of the port. *United States v. La Coste*, 2 Mason's C. C. R. 129.

If a foreign claimant of a vessel seized for being engaged in the slave trade, sets up a title derived from an American owner, he must prove affirmatively that the case has no admixture of American ownership. *United States v. La Jeune Eugenia*, 2 Mason's C. C. R. 409.

The 1st section of the slave trade act of May 10, 1800, prohibits not only the transportation of slaves, but the being employed on the business of the slave trade; and therefore a vessel caught in such trade, though before she has taken on board any slaves, is liable to forfeiture. *The Alexander*, 3 Mason's C. C. R. 175.

The offence against the law of the United States, under the 7th section of the act of March 2, 1807, is not that of importing or bringing into the United States persons of colour, with intent to hold or sell those persons as slaves, but that of hovering on the coast of the United States with such intent; and although it forfeits the vessel and any goods or effects found on board, it is silent as to disposing of any persons found on board, any further than to impose a duty upon the officers of any armed vessels, who make the capture, to keep them safely, to be delivered to the overseers of the poor, or to the governor of the state, or persons appointed by the respective states to receive them. *United States v. Preston*, 3 Peters, 65.

Certain persons who were slaves in Louisiana, were, by their owners, taken to France as servants, and after some time, they, by their own consent, were sent back to Louisiana. The ships in which these persons were passengers, were, after the arrival of the vessels in the United States, labelled for alleged breaches of the act of Congress of April 20, 1818, prohibiting the importation of slaves into the United States. Held that the provisions of the act of Congress do not apply to such cases. *The United States v. Garonne*, 11 Peters, 73.

The act of March 22, 1794, was intended to prohibit any citizen or resident of the United States from equipping vessels within the United States, carrying on trade or traffic in slaves to any foreign country. *The Tryphemea*, 1 Wash. C. C. R. 522.

The act of May 10, 1800, extends the prohibitions to citizens of the United States, in any manner con-

any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring, from any foreign kingdom, place or country, the inhabitants of such kingdom, place or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of, as slaves: And if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel and other appurtenances, shall be forfeited to the United States; and shall be liable to be seized, prosecuted and condemned, in any of the circuit courts, or district court for the district where the said ship or vessel may be found and seized.

1800, ch. 51.

SEC. 2. *And be it further enacted*, That all and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars, one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

Forfeiture on persons aiding or abetting contrary to this act.

SEC. 3. *And be it further enacted*, That the owner, master or factor of each and every foreign ship or vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond with sufficient sureties, to the treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported, or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

In what cases owners of foreign vessels shall give bond.

SEC. 4. *And be it further enacted*, That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive or transport any such persons, as above described, in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person, so received on board, transported, or sold as aforesaid, the sum of two hundred dollars, to be recovered in any court of the United States proper to try the same; the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons, who shall sue for and prosecute the same.

Forfeiture for receiving persons on board to be sold as slaves.

APPROVED, March 22, 1794.

cerned in this kind of traffic, either by personal service on board of American or foreign vessels wherever equipped, and to the owners of such vessels, citizens of the United States. *Ibid*.

The act of Congress declares that "no person shall build, fit, equip, load, or otherwise prepare any ship or vessel, to sail from any port of the United States, for the purpose of carrying on any trade or traffic in slaves to any foreign country." And it declares that "if any ship or vessel shall be so fitted out as aforesaid, or shall be caused to sail as aforesaid, such ship or vessel shall be forfeited to the United States." And the 2d section inflicts a penalty of two thousand dollars on any person who shall build, fit out, &c., any ship or vessel knowing or intending that the same shall be so employed. *Held*, 1. That the forfeiture of the vessel is not incurred by the building of the vessel for the illegal purpose aforesaid, but only for the fitting out and causing her to sail as aforesaid. 2. An information against the vessel which charges that "she was built, fitted, equipped, loaded, or otherwise prepared, or caused to sail," &c., is bad for uncertainty as to which of the several offences is charged, and on such information, a forfeiture ought not to be pronounced. *The Brig Caroline*, 1 Brockenb. C. C. R. 384.

The act of Congress of February 28, 1803, forbidding any master or captain of a ship or vessel, to import or bring into any port of the United States, any negro, mulatto, or person of colour, under certain penalties, where the admission of such persons is prohibited by the laws of such state, does not apply to coloured seamen employed in navigating such ship or vessel. *The Brig Wilson*, 1 Brockenb. C. C. R. 423.

If under the act of April 22, 1818, sec. 2, 3, the offence of causing a vessel to sail from the United States, with an intent, be alleged in an indictment to be on a day now last past, and on divers days before and since that day, the allegation is sufficient. *United States v. La Coste*, 2 Mason's C. C. R. 129.

It is not necessary in an indictment on the act of 1818, to aver the defendant knowingly committed the offence. *United States v. Smith*, 2 Mason's C. C. R. 143.

STATUTE I.

March 27, 1794.

CHAP. XII.—*An Act to provide a Naval Armament.*(a)

[Obsolete.]

President of
the U. States to
provide four
ships of 44 guns,
and two ships
of 36 guns each.

How officered.

WHEREAS the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a naval force should be provided for its protection :

SECTION 1. *Be it therefore 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 authorized to provide, by purchase or otherwise, equip and employ four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

SEC. 2. *And be it further enacted,* That there shall be employed on board each of the said ships of forty-four guns, one captain, four lieutenants, one lieutenant of marines, one chaplain, one surgeon, and two surgeon's mates ; and in each of the ships of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

SEC. 3. *And be it further enacted,* That there shall be employed, in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit : One sailing-master, one purser, one boatswain, one gunner, one sail-maker, one carpenter, and eight midshipmen ; and the following petty officers, who shall be appointed by the captains of the ships, respectively, in which they are to be employed, viz : two master's mates, one captain's clerk, two boatswain's mates, one cockswain, one sail-maker's mate, two gunner's mates, one yeoman of the gun room, nine quarter-gunners, (and for the four larger ships two additional quarter-gunners,) two carpenter's mates, one armourer, one steward, one cooper, one master-at-arms, and one cook.

How manned.

SEC. 4. *And be it further enacted,* That the crews of each of the said ships of forty-four guns, shall consist of one hundred and fifty seamen, one hundred and three midshipmen and ordinary seamen, one sergeant, one corporal, one drum, one fife, and fifty marines ; and that the crews of each of the said ships of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, one sergeant, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

President of
United States

SEC. 5. *And be it further enacted,* That the President of the United States be, and he is hereby empowered, to provide, by purchase or other-

(a) The acts for the establishment and regulation of the navy of the United States, are : An act to provide a naval armament, March 27, 1794, chap. 12 ; an act supplementary to an act entitled, "An act to provide a naval armament, April 20, 1796, chap. 14 ; an act providing a naval armament, July 1, 1797, chap. 7 ; an act to provide an additional armament for the further protection of the trade of the United States, and for other purposes, April 27, 1798, chap. 31 ; an act authorizing the President of the United States to cause to be purchased or built a number of small vessels to be equipped as galleys or otherwise, May 4, 1798, chap. 39 ; an act to amend the act entitled, "An act providing a naval armament," and "an act to authorize the President of the United States to cause to be purchased or built a number of small vessels to be equipped as galleys or otherwise," June 22, 1798, chap. 53 ; an act supplementary to an act entitled, "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," June 30, 1798, chap. 64 ; an act for the augmentation of the navy, February 25, 1799, chap. 13 ; an act for the government of the navy of the United States, March 2, 1799, chap. 24 ; an act to increase the navy of the United States, January 2, 1813, chap. 6 ; an act supplementary to the act for increasing the navy of the United States, March 3, 1813, chap. 54 ; an act to authorize the President of the United States to cause to be built or purchased the vessels therein directed, November 15, 1814, chap. 3 ; an act for the gradual increase of the navy of the United States, April 29, 1816, chap. 138 ; an act supplementary to an act entitled, "An act concerning the naval establishment," March 1, 1817, chap. 24 ; an act to amend the act entitled, "An act for the gradual increase of the navy of the United States," March 3, 1821, chap. 46 ; an act authorizing an additional naval force for the suppression of piracy, December 20, 1822, chap. 1 ; an act supplementary to an act for the gradual increase of the navy of the United States, May 17, 1826, chap. 64 ; an act for the gradual improvement of the navy of the United States, March 3, 1827, chap. 93 ; an act in addition to the act for the gradual improvement of the navy of the United States, March 2, 1833, chap. 67 ; an act to provide for the enlistment of boys for the naval service, and to extend the term for the enlistment of seamen, March 2, 1837, chap. 21 ; an act to change the titles of certain officers in the navy, March 3, 1837, chap. 30.

wise, in lieu of the said six ships, a naval force not exceeding, in the whole, that by this act directed, so that no ship thus provided shall carry less than thirty-two guns; or he may so provide any proportion thereof, which, in his discretion, he may think proper.

Sec. 6. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers be as follows:—A captain, seventy-five dollars per month, and six rations per day;—a lieutenant, forty dollars per month, and three rations per day;—a lieutenant of marines, twenty-six dollars per month, and two rations per day;—a chaplain, forty dollars per month, and two rations per day;—a sailing-master, forty dollars per month, and two rations per day;—a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day;—a purser, forty dollars per month, and two rations per day;—a boatswain, fourteen dollars per month, and two rations per day;—a gunner, fourteen dollars per month, and two rations per day;—a sailmaker, fourteen dollars per month, and two rations per day;—a carpenter, fourteen dollars per month, and two rations per day.

Sec. 7. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen and marines, shall be fixed by the President of the United States: *Provided*, That the whole sum to be given for the whole pay aforesaid, shall not exceed twenty-seven thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

Sec. 8. *And be it further enacted*, That the ration shall consist of, as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice:—Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese:—Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes or turnips, and pudding: Wednesday, one pound of bread, two ounces of butter, or in lieu thereof, six ounces of molasses, four ounces of cheese, and half a pint of rice:—Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans:—Friday, one pound of bread, one pound of salt fish, two ounces of butter or one gill of oil, and one pound of potatoes:—Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese:—And there shall also be allowed one half pint of distilled spirits per day, or, in lieu thereof, one quart of beer per day, to each ration.

Sec. 9. *Provided always, and be it further enacted*, That if a peace shall take place between the United States and the Regency of Algiers, that no farther proceeding be had under this act.

APPROVED, March 27, 1794.

may purchase a force not exceeding that directed by this act.

Pay and subsistence.

Pay to petty officers to be fixed by the President.

Not to exceed certain sum.

Component parts of ration.

When proceedings under this act shall cease.

STATUTE I.

March 27, 1794.

CHAP. XIII.—*An Act allowing to Major General La Fayette his Pay and Emoluments while in the service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to Major General La Fayette the sum of twenty-four thousand, four hundred and twenty-four dollars, being the amount of the pay and emoluments of a major-general during the time he was in the service of the United States, and that the same be paid out of any monies which may be in the treasury and not otherwise appropriated.

APPROVED, March 27, 1794.

Allowance to General La Fayette.

STATUTE I.

April 2, 1794.

[Obsolete.]

Arsenals &c.
to be establish-
ed.1798, ch. 33.
1803, ch. 32,
sec. 5.And at each
arsenal, an ar-
moury.Superintendent
of military
stores.His compen-
sation,
And by whom
appointed.Appropriation
for carrying this
act into effect.Annual ac-
count of ex-
pense of ar-
mouries to be
laid before the
legislature.

STATUTE I.

April 3, 1794.

[Obsolete.]

Actions pend-
ing in district
court of New
Hampshire re-
moved to next
circuit court.CHAP. XIV.—*An Act to provide for the erecting and repairing of Arsenals and Magazines, and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the safe keeping of the military stores, there shall be established under the direction of the President of the United States, three or four arsenals with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either or both of the arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: *Provided,* that none of the said arsenals be erected, until purchases of the land necessary for their accommodation be made with the consent of the legislature of the state, in which the same is intended to be erected.

SEC. 2. *And be it further enacted,* That there shall be established, at each of the aforesaid arsenals, a national armoury, in which shall be employed one superintendent, and one master-armourer (who shall be appointed by the President of the United States) and as many workmen as the Secretary for the department of war shall, from time to time, deem necessary, so that the whole number at all the armouries shall not exceed one hundred. And the said superintendents shall each receive as a compensation, seventy dollars per month, and the said master-armourers each, fifty dollars per month.

SEC. 3. *And be it further enacted,* That there shall be employed an officer, whose duty it shall be (under the direction of the department of war) to superintend the receiving, safe keeping and distribution of the military stores of the United States, and to call to account all persons, to whom the same may be intrusted: he shall receive for his compensation, at the rate of one hundred and twenty-five dollars per month, and shall be appointed by the President of the United States.

SEC. 4. *And be it further enacted,* That a sum not exceeding fifty-nine thousand dollars, be appropriated for the erecting and repairing of the arsenals and magazines aforesaid, and a sum not exceeding twenty-two thousand eight hundred and sixty-five dollars for defraying the expense of the national armouries, for one year; and the further sum of three hundred and forty thousand dollars, to be applied, under the direction of the President of the United States, in the purchase of arms, ammunition and military stores; which said several sums shall be paid out of the duties on imports and tonnage, to the end of the present year.

SEC. 5. *And be it further enacted,* That an annual account of the expenses of the national armouries be laid before the legislature of the United States, together with an account of the arms made and repaired therein.

APPROVED, April 2, 1794.

CHAP. XVI.—*An Act transferring, for a limited time, the Jurisdiction of Suits and Offences from the District to the Circuit Court of New Hampshire, and assigning certain Duties in respect to Invalid Pensioners, to the Attorney of the said District.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all actions commenced or pending in the district court of New Hampshire be removed to the next circuit court to be holden in that district, there to be tried and determined, in the same manner, as if the cognizance of such actions had been originally given to the said circuit court: And the said circuit court is hereby vested with the cognizance of all actions, crimes and offences, by the laws now in force, cognizable in the said district court, and with all the powers and authorities of the said district

court; and any judge of the supreme court of the United States, is authorized to do and perform all the duties, by any law of the United States enjoined upon the said district judge, except as is herein after provided; the fees to be the same as in the district court, in all such cases.

SEC. 2. *And be it further enacted*, That the duties enjoined the district judges, by the act "to regulate the claims to invalid pensions," be, and the same are hereby transferred, as far as relates to the district of New Hampshire, to the attorney of the said district, whose duty it shall be to perform the same.

SEC. 3. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, or until a new district judge be appointed in that district, and no longer.

APPROVED, April 3, 1794.

Claims to invalid pensions in N. Hampshire transferred to district attorney.
1793, ch. 17.
Limitation of this act.

STATUTE I.

CHAP. XVII.—*An Act to authorize the President of the United States in certain cases to alter the place for holding a session of Congress.*

April 3, 1794.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Congress shall be about to convene, and, from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President of the United States, be hazardous to the lives or health of the members to meet at the place to which the Congress shall then stand adjourned, or at which it shall be next by law to meet, the President shall be, and he hereby is authorized, by proclamation, to convene the Congress at such other place as he may judge proper.

APPROVED, April 3, 1794.

[Obsolete.]
President of United States in certain cases authorized to alter place for holding a session of Congress.
1799, ch. 12.

STATUTE I.

CHAP. XVIII.—*An Act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river, and other places.*

April 5, 1794.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be authorized and directed to cause to be placed buoys on the rocks called Black Ledge, or Southwest Ledge, Goshen Reef, Bartlet's Reef, and Race Rock, off the harbor of New London, in the state of Connecticut, at an expense, not to exceed the sum of twelve hundred dollars; and to cause to be erected a beacon, and to be placed two buoys in the harbor of Portsmouth, in the state of New Hampshire, at an expense, not to exceed the sum of three hundred dollars: And likewise, to cause to be placed in Providence river, in the state of Rhode Island, and in Savannah river, in the state of Georgia, and at the mouth of the same, buoys, not exceeding ten in number, for each river, and at an expense, not to exceed the sum of five hundred dollars, for each; the same to be placed in such parts of the said rivers, as he may judge most advantageous for the navigation thereof, respectively.

SEC. 2. *And be it further enacted*, That there be appropriated and paid out of the monies arising from the duties on imports and tonnage, the sum of two thousand five hundred dollars for the purpose aforesaid.

APPROVED, April 5, 1794.

Secretary of Treasury to place buoys off certain harbors.

Appropriation therefor.

STATUTE I.

CHAP. XXI.—*An Act limiting the Time for presenting Claims for destroyed Certificates of certain Descriptions.*

April 21, 1794.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all claims for the renewal of certificates of the unsubscribed debt of the

[Obsolete.]
Limitation of claims for renewal of certain certificates.

United States, of the descriptions commonly called "Loan Office Certificates," or "Final Settlements," which may have been accidentally destroyed, shall be forever barred and precluded from settlement or allowance, unless the same shall be presented at the treasury, on or before the first day of June, in the year one thousand seven hundred and ninety-five.

Proceedings
to be had for
establishing
claims.

SEC. 2. *And be it further enacted,* That no claim shall be allowed for the renewal of loan office certificates destroyed before the fourth day of March, one thousand seven hundred and eighty-nine, unless the destruction of the same was advertised, according to the resolution of Congress, of the tenth day of May, one thousand seven hundred and eighty; or before that time, was notified to the office from which the same was issued, nor shall claims be allowed for the renewal of loan office certificates destroyed on or after the said fourth day of March, one thousand seven hundred and eighty-nine, nor of final settlement certificates destroyed at any time, unless the destruction of the same was so far made public, as to be known to at least two credible witnesses, soon after it happened, and shall have been before the presentation of the claim, as hereinafter provided, advertised for at least six weeks successively, in some one of the newspapers of the state in which the destruction happened; and also, in some one of the newspapers of the state in which the certificate issued, if that was another state; the advertisement or advertisements, in such case, expressing with as much precision as possible, the number, date and amount of the certificate alleged to have been destroyed, and the name of the person to whom the same was issued, together with the time when, the place where, and the means by which the same was destroyed.

By whom and
how long to be
received.

SEC. 3. *And be it further enacted,* That all claims for the renewal of destroyed certificates, of either of the descriptions aforesaid, not precluded by this act, shall be receivable, with the evidence in support of the same, by the Auditor of the Treasury, until the said first day of June, one thousand seven hundred and ninety-five, and shall, by the accounting officers of the treasury, be duly examined; and if satisfactorily supported, the claimants shall be entitled to receive certificates of registered debt, equal to the specie value of the loan office or final settlement certificates so proved to have been destroyed.

APPROVED, April 21, 1794.

STATUTE I.

May 8, 1794.

CHAP. XXIII.—*An Act to establish the Post-office and Post-roads within the United States.*

[Obsolete.]
Establishment
of Post Roads
after first June
next.

1799, ch. 43.
1810, ch. 37.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following be established as post-roads, namely: From Passamaquoddy, in the district of Maine, to Saint Mary's in Georgia, by the following route, to wit: From Passamaquoddy, through Machias, Gouldsborough, Sullivan, Trenton, Bluehill, Penobscott, Frankfort, Belfast, Ducktrap, Camden, Thomaston, Warren, Waldoborough, Bristol, Nobleborough, Newcastle, Wiscasset, Bath, Brunswick, North Yarmouth, Portland, Biddeford, Wells, York, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Brookfield, Springfield, Hartford, Middletown, New-Haven, Stratford, Fairfield, Norwalk, Stamford, New-York, Newark, Elizabethtown, Bridgetown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Christiana, Elkton, Charles-town, Havre de Grace, Harford, Baltimore, Bladensburg, the city of Washington, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling-Green, Hanover Courthouse, Richmond, Petersburg, Goldson's, Warrenton, Lewisburg, Raleigh, Averysborough, Fayetteville, Lumberton, Cheraw Courthouse, Camden, Columbia, Edgefield

Courthouse, Augusta and Waynesborough, to Savannah; and thence by Newport Bridge, and Saint Savilla, to the town of Saint Mary's. From Portland, by New Gloucester, Green, Monmouth, Winthrop, and Hollowell Courthouse, to Pittstown, on the river Kennebeck. From Portsmouth, by Exeter, Chester, Amherst, Keen, and Walpole, to Charlestown. From Chester, by Concord and Plymouth, to Haverhill. From Exeter to Hampton Falls. From Salem to Gloucester. From Salem to Marblehead. From Boston to Plymouth, Sandwich and Falmouth; and from Falmouth to Edgartown on Martha's Vineyard. From Sandwich to Barnstable and Yarmouth. From Boston to Taunton and New Bedford, and thence to Nantucket. From Boston to Hartford in Connecticut, by Dedham, Mendon, and Pomfret. From Boston to Keen. From Boston, through Andover and Haverhill, to Chester. From Taunton to Providence; and from Taunton, by Dighton and Somerset, to Warren. From New Bedford to Newport. From Boston, by Providence, Norwich, New London, Saybrook and Guilford, to New-Haven. From Newport, by Bristol and Warren, to Providence. From Newport, by East Greenwich, to Providence. From Newport, by Westerly and Stonington Point, to New London. From Springfield, by North Hampton, Greenfield, Brattleborough, Westminster, Charlestown, Windsor, Hanover and Haverhill, to Newbury. From Springfield, by Stockbridge, to Kinderhook. From Brookfield, by North Hampton, Pittsfield and New Lebanon, to Albany. From Hartford, by New Hartford, through Norfolk, Canaan, Sheffield, and Hillsdale, to the city of Hudson. From Hartford to Norwich. From Hartford, by Middletown, to New London. From Hartford, by Farmington, Harwington, Litchfield, New Milford, Newtown, Danbury, Ridgefield, Poundridge, Salem, North Castle, and White Plains, to New York. From New York, by Peekskill, Fishkill, Poughkeepsie, Rhinebeck, Redhook, Clermont, Hudson, and Kinderhook, to Albany. From Albany, by Lansingburg, Bennington, Manchester, Rutland, Middlebury and Vergennes, to Burlington, on Lake Champlain. From Rutland to Windsor, in the state of Vermont. From Albany, by Schenectady, Johnston, Cannojocharrie, and Whitestown, to Canandorque; and from some convenient point in that line, through Cherry Valley, to the Courthouse in Coopers-town, in the county of Otsego. From the city of New York, by the most useful route, to Sagg Harbor. From Newark or Elizabethtown, by Morristown and Rockaway, to Sussex Courthouse; and from thence, by Hacketstown and Morristown, to Elizabethtown or Newark. From Woodbridge to Amboy. From Trenton, by Allentown, Monmouth Courthouse, Shrewsbury and Spotswood, to Brunswick; and from Brunswick, by Somerset Courthouse, New Germantown, Pittston and Flemington, to Trenton. From Philadelphia, by Bethlehem, Easton, Sussex Courthouse, Goshen, Ward's bridge, and Kingston, to Rhinebeck. From Bethlehem to Reading. From Philadelphia, by Woodbury, Swedesborough and Salem, to Bridgetown, in West New Jersey. From Philadelphia, by Norristown, Pottsgrove, Reading, Lebanon, and Harrisburg, to Carlisle. From Reading to Lancaster. From Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford and Greensburg, to Pittsburg. From Pittsburg, by Washington in Pennsylvania, West-liberty in Virginia, and Wheeling, on the Ohio, to Limestone and Fort Washington. From Limestone, by Bourbontown, Lexington, Frankfort, and Harrodsburg, to Danville, in Kentucky. From Danville, by Bardstown, to Louisville. From Yorktown, in Pennsylvania, by Hanover, Petersburg and Tawneytown, to Fredericktown, in Maryland, and thence to Leesburg, in Virginia. From Wilmington, in the state of Delaware, New Castle, Cantwell's bridge and Duck creek, to Dover; and from thence, by Frederica, Millford, Dagsborough, Snowhill, Horntown, and Accomack Courthouse, to

Establishment
of Post Roads
after first June
next.

Establishment
of Post Roads
after first June
next.

Northampton Courthouse; and thence, to Norfolk, Hampton or Yorktown. From Philadelphia, by Wilmington, Middletown, Warwick, Georgetown, Crossroads, Chestertown, Chestermills, Easton, Vienna and Salisbury, to Snowhill; and from Snowhill to Princess Ann; and thence to Salisbury; and from Chestertown to Baltimore, at all times, when a stage passes between those two places. From Elkton to Warwick. From Harford to Bellair. From Baltimore to Annapolis, Upper Marlborough, Piscataway, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonardtown. From Baltimore to Yorktown in Pennsylvania. From Baltimore, by Fredericktown and Hagerstown, to Chambersburg. From Hagerstown, by Sharpsburg, to Shepherdstown. From Fredericktown, by Peterstown, and Montgomery Courthouse, to Georgetown, on Potowmac. From Hagerstown, by Hancock, Oldtown, Cumberland, Morgantown in Virginia, and Uniontown in Pennsylvania, to Brownsville on the Monongahela. From Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stephensburg, Strasburg, Woodstock, and Rockingham Courthouse, to Staunton. From Fredericksburg, by Portroyal, to Tappahannock; thence across the Rappahannock, to Richmond Courthouse, Westmoreland Courthouse, Kinsale on Yeocomico, and Northumberland Courthouse, to Lancaster Courthouse; thence recrossing the Rappahannock, to Urbanna, and from Urbanna to Gloucester Courthouse. From Fredericksburg, by Culpepper and Orange Courthouses, to Charlottesville. From Richmond, by New Castle, Ayletts Warehouse, and Todd's bridge, to Tappahannock. From Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk. From Richmond, by Columbia and Charlottesville, to Staunton; thence to Lexington, Fincastle, Montgomery Courthouse, Wythe Courthouse, and Abingdon, to Jonesborough, in the territory southwest of the Ohio; thence by Greensville and Jefferson Courthouse, to Knoxville. From Staunton to Bath Courthouse; thence to the Sweet Springs; and thence to Greenbrier Courthouse. From Richmond, by Powhatan Courthouse, Cumberland Courthouse, Prince Edward Courthouse, Lynchburg, New London and Liberty, to Fincastle. From Prince Edward Courthouse, by Charlotte Courthouse, Halifax Courthouse and Pittsylvania Courthouse, to Martinsburg; and thence to Bethania. From Martinsburg to Liberty. From Osborne's to Bermuda Hundred. From Petersburg, by Cabinpoint, Smithfield and Suffolk, to Portsmouth and Norfolk. From Smithfield, by Southampton Courthouse to Grenville Courthouse. From Petersburg to Halifax, in North Carolina. From Goldson's, by Saint Tammany's and Mecklenburg Courthouse, to Halifax Courthouse, in Virginia. From Suffolk, by Edenton, Plymouth, Washington and Newbern, to Wilmington. From Plymouth to Windsor. From Edenton, by Hertford, Nixonton, Sawyer's ferry in Camden county, to Indian Town in Currituck county. From Halifax to Princeton and Murfreesborough, on Meherrin river; thence to Winton on Chowan river; and thence by the bridge on Bennet's creek, to R. Mitchell's, which is on the post road from Suffolk to Edenton. From Halifax, by Blountsville, Williamston and Dailey's to Plymouth. From Halifax, by Warrenton, Oxford, Hillsborough, Martinville and Salem, to Salisbury. From Salisbury, by Cabarras Courthouse, to Charlotte, to return by Iredel Courthouse to Salisbury. From Salisbury to Fayetteville, to go and return by the following route, alternately: by Montgomery, Anson and Richmond Courthouses, to Fayetteville; thence by Moore and Randolph Courthouses, back to Salisbury. From Halifax, by Tarborough and Greenville, to Washington; and from Tarborough to Lewisburg. From Newbern, by Kingston, Waynesborough and Smithfield, to Raleigh. From Raleigh, by Chapel-hill, to Hillsborough; and from Chapel-hill, to Chatham Courthouse. From Hillsborough, by Person Courthouse, Caswell Courthouse and Rocking-

ham Courthouse, to Germanton. From Fayetteville to Wilmington; the mail to go alternately by Elizabethtown and return by South Washington, the cross roads near Duplin Courthouse and Sampson Courthouse. From Salem, by Bethania, Huntsville, Rockford and Wilkes, to Morganton, in North Carolina; and from Morganton, by Lincolnton, to Pinckney Courthouse, in South Carolina. From Cheraw Courthouse to Georgetown. From Camden, by Statesburg, to Charleston. From Charleston, by Coosawatchy to Sister's ferry, on Savannah river, and thence to the post road from Augusta to Savannah; and from Coosawatchy to Beaufort. From Columbia, by Orangeburg, to Charleston. From Columbia, to Newbury Courthouse and Laurens Courthouse, to Greenville Courthouse. From Edgefield Courthouse to Cambridge, and thence by Abbeville Courthouse, to Pendleton Courthouse. From Columbia, by Winnsborough, Pinckney Courthouse, Spartan Courthouse and Grenville Courthouse, to Washington Courthouse. From Washington Courthouse, by Pendleton Courthouse, to Hatton's ford, on Tug-elo river; and thence by Franklin Courthouse, Elberton and Petersburg, to Washington, in Georgia. From Augusta to Washington, thence to Greensborough; and thence, by the great falls of Ogechee and Georgetown, to Augusta.

Establishment of Post-roads after first June next.

Provided, That until the Postmaster General shall have made provision for the regular transportation of the mail from Wheeling to Limestone, the present post road from Abington to Danville in Kentucky, shall be continued; and if such provision cannot be made within a reasonable time, then the post road shall be extended from Danville, to Frankfort and Lexington; and thence to Washington.

Certain road in Kentucky how long to continue.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Postmaster General to provide, by contract, for the carriage of a mail on any road on which a stage wagon or other stage carriage shall be established, on condition that the expense thereof shall not exceed the revenue thence arising.

Postmaster General may provide for carrying mail on certain roads.

It shall also be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the persons, so contracting, as a compensation for their expenses, to receive, during the continuance of such contracts, at rates not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers, magazines, pamphlets and packets, conveyed by any such post: And the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post roads, within the provisions of this act: And a duplicate of every such contract shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the treasury of the United States.

And enter into contract not exceeding eight years for extending line of posts.

SEC. 3. *And be it further enacted*, That there shall be established at the seat of the government of the United States, a general post-office; and there shall be one Postmaster General, who shall have authority to appoint an assistant, and deputy postmasters at all such places, as he shall find necessary: And he shall provide for carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the post-office: He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the department, in all the duties, that are or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established; which route or road shall be considered as the post road.

General Post Office at seat of government.

Postmaster General, his powers.

To settle accounts quarterly, with the Secretary of the Treasury,

and with persons employed by him.

To take oath.

Penalty on obstructing the mail and negligence of ferry-men.

Postmaster General to give notice previous to making contract for carrying the mail,

and lodge the contract in Comptroller's office.

Deputy Postmaster to keep an office.

Allowance to Postmaster General and his assistant.

SEC. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies, the accounts and vouchers of their receipts and expenditures, and the balance due thereon, and render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled, as other public accounts; and shall pay, quarterly into the treasury of the United States, the balance in his hands: And the Postmaster General, and his assistant, the deputy postmasters, and such as they may employ in their offices, before they enter upon the duties, or be entitled to receive the emoluments of their offices; and the contractors for carrying the mail, and their agents or servants, and all others to whom the mail shall be entrusted, before they commence the execution of the said trust, shall, respectively, take and subscribe before some justice of the peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General: "I do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the law in relation to the establishment of post-offices and post roads within the United States."

SEC. 5. *And be it further enacted*, That if any person shall obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding one hundred dollars: And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay, for each half hour, that the same shall be so delayed, a sum not exceeding ten dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states, where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail, that such contract is intended to be made, and the day on which it shall be concluded, describing the places, from and to which, such mail is to be conveyed; the time, at which, it is to be made up; the day and hour, at which, it is to be delivered, and the penalty or penalties for non-performance of the stipulations: He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals, which he shall have received respecting it, in the office of the Comptroller of the treasury of the United States: *Provided*, That no contract shall be entered into, for a longer term than four years.

SEC. 7. *And be it further enacted*, That every deputy postmaster shall keep an office, in which one or more persons shall attend, at such hours, as the Postmaster General shall direct, for the purpose of performing the duties thereof; and all letters, brought to any post-office, half an hour before the time of making up the mail at such office, shall be forwarded therein; except at such post-offices where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe; but this shall, in no case, exceed one hour.

SEC. 8. *And be it further enacted*, That from and after the first day of June next, the Postmaster General shall be allowed, for his services, at the rate of two thousand four hundred dollars per annum, his assistant, at the rate of one thousand two hundred dollars per annum, and the Postmaster General shall be allowed four clerks, whose compensation shall be regulated in such manner, as not to exceed five hundred dollars per annum to each: All the above mentioned compensations to be paid quarterly out of the revenues of the post-office; and no fees or perquisites shall be received by any person employed in the general post-

office, on account of the duties to be performed, in virtue of his appointment.

SEC. 9. *And be it further enacted*, That the deputy postmasters and persons authorized by the Postmaster General, shall demand and receive, for the conveyance of letters and packets, except such as are hereinafter excepted, the following rates of postage: For every single letter conveyed by land, not exceeding thirty miles, six cents; over thirty miles and not exceeding sixty, eight cents; over sixty, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and more than four hundred and fifty miles, twenty-five cents; and for every double letter, double the said rates; for every triple letter, triple; and for every packet weighing one ounce avoirdupois, at the rate of four single letters; and in that proportion for any greater weight.

Rates of postage.

SEC. 10. *And be it further enacted*, That for all letters and packets passing by sea, to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, postage shall be charged, as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter, or packet, twenty-four cents; and for every letter or packet brought into the United States, or carried from one port therein to another, by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of like postage, as other letters are made subject to the payment of, by this act.

Rates of letters passing by sea.

SEC. 11. *And be it further enacted*, That if any deputy postmaster, or other person authorized by the Postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit, for every such offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the United States.

Penalty on demanding or receiving beyond stipulated postage.

SEC. 12. *And be it further enacted*, That no ship or vessel arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster, all letters directed to any person or persons, within the United States, which, under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Duty of masters of vessels previous to making report, &c.

Duty of collectors herein.

SEC. 13. *And be it further enacted*, That the postmasters, to whom such letters may be delivered, shall pay to the master, commander or other person delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place, from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

Of Postmasters on receipt of foreign letters.

Penalty on persons offending against this act.

SEC. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up, or maintaining any foot or horse-post, stage wagon, or other stage carriage, on any established post-road, or any packet boat or other vessel, to ply regularly from one place to another, between which a regular communication by water shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines or pamphlets, and carry the same by such foot or horse-post, stage wagon or other stage carriage, packet boat or vessel, (excepting only such letter or letters, as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person, to whom any package or bundle in such conveyance is intended to be delivered) every person, so offending, shall forfeit, for every such offence, the sum of fifty dollars: *Provided*, That it shall be lawful for any person to send letters or packets by a special messenger.

Deputies to account with Postmaster General for way-letters.

SEC. 15. *And be it further enacted*, That the deputy postmasters and other agents of the Postmaster General, shall duly account, and answer to him, for all way letters, which shall come to their hands: And for this purpose, the post-riders and other carriers of the mail, receiving any way letter or letters (and it shall be their duty to receive them, if presented more than two miles from a post-office) shall deliver the same, together with the postage, if paid, at the first post-office, to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number and rate or rates in the post-bill, adding to the rate of each way letter, one cent, which shall be paid by the deputy postmaster, to the mail carrier from whom such way letter shall be received. And that letters, directed to persons living between post-offices, may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail, to take charge of, and deliver all such letters, as shall, for that purpose, be committed to them, by any deputy postmaster, and collect the postage thereof, which shall be paid over to such deputy postmaster, on demand: And for every letter, so delivered, the mail carrier delivering the same, shall be allowed to demand and receive two cents to his own use, besides the ordinary postage. And if any deputy postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit for every such offence, a sum not exceeding fifty dollars: *Provided*, That no mail carriers shall make such deliveries at any place not on the post-road: *Provided also*, That the receipt and delivery of letters on the way, between post-offices, shall not be required of the mail carriers, in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance, is incompatible with such receipts and deliveries.

On detaining or secreting letters.

SEC. 16. *And be it further enacted*, That if any person employed in any of the departments of the general post-office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle or destroy any letter or packet entrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed, as aforesaid, shall secrete, embezzle or destroy, any letter, packet, bag or mail of letters with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank-note, or bank post-bill, bill of exchange, warrant of the treasury of the United States, note of assign-

ment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or any bond or warrant, draft, bill or promissory note, whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same, out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person so offending shall forfeit and pay a sum not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Penalty on detaining or secreting letters.

SEC. 17. *And be it further enacted,* That if any person or persons shall rob any carrier of the mail of the United States, of such mail, or any part thereof, such offender or offenders shall, on conviction thereof, suffer death. And if any person shall steal the mail, or shall steal and take from or out of the mail, or from or out of any post-office, any letter or packet, such person shall, upon conviction, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence.

On persons robbing the mail.

SEC. 18. *And be it further enacted,* That the deputy-postmasters shall, respectively, publish at the expiration of every three months, or oftener when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence shall be found therein, it shall be the duty of the Postmaster General to cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication. And if such letter, with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster General to the Secretary of the Treasury.

Deputies to publish every three months a list of letters then on hand, &c.

SEC. 19. *And be it further enacted,* That the following letters and packets, and no other, shall be received and conveyed by post free of postage, under such restrictions as are herein after provided; that is to say; all letters and packets, to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session; all letters to and from the Secretary of the Treasury, Comptroller, Register and Auditor of the

Certain letters to be conveyed free of postage.

Treasury, the Treasurer, the Secretary of State, the Secretary at War, Commissioner of the Revenue, the Postmaster General, his assistant and deputies: And the deputy postmasters shall receive, besides their other allowances, two cents for each free letter or packet (their own excepted) which shall be delivered to the person addressed out of their respective offices. *Provided*, That no person shall frank or inclose any letter or packet, other than his own; but any public letter or packet from the department of the treasury, may be franked by the Secretary of the Treasury, or by the Commissioner of the Revenue, Comptroller, Register, Auditor or Treasurer: And that each person before named shall deliver into the post-office, every letter or packet inclosed to him, which may be directed to any other person, noting the place from whence it came by post, and the usual postage shall be charged thereon: *And provided also*, That no letter to or from a deputy postmaster shall be free of postage, if it exceeds half an ounce in weight.

Penalty on counterfeiting the franking of letters.

SEC. 20. *And be it further enacted*, That if any person shall counterfeit the hand-writing of any other person, in order to evade the payment of postage, such person or persons so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Privilege of newspaper printers.

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

Newspapers how to be put up for the mail.

SEC. 22. *And be it further enacted*, That all newspapers conveyed in the mail, shall be under cover, open at one end, carried in separate bags from the letters, and charged with the payment of one cent each, for any distance not more than one hundred miles, and one cent and a half for any greater distance: *Provided*, That the postage of a single newspaper, from any one place to another in the same state, shall not exceed one cent. And that where the mode of conveyance, and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail, at one cent per sheet, for conveyance, any distance not exceeding fifty miles, one and a half cent for any distance over fifty miles and not exceeding one hundred, and two cents per sheet for any greater distance. And it shall be the duty of the Postmaster General and his deputies to keep a separate account for the newspapers, magazines and pamphlets; and the deputy-postmasters shall receive fifty per cent. on the postage thereof, exclusively of their other allowances:

Postmaster General and deputies to keep separate accounts of them.

Fine on enclosing letters, &c. in newspapers.

And if any letter, memorandum in writing, or other thing be inclosed in, or placed among such newspapers, or if any note or memorandum, other than the name of the person to whom it is addressed, be written upon any such newspaper, the letter, memorandum, or other thing so inclosed or placed, and the newspaper on which such memorandum shall be written, shall be detained by the deputy-postmaster, until a sum shall be paid him equal to the postage of the whole packet in which they shall be found, calculating such postage at the rates established by this act for letters and packets. And that any printer, or other person, who shall conceal a letter, or any memorandum in writing, in a newspaper, or among any package of newspapers, shall be liable, on conviction, to a fine for each offence not exceeding five dollars. And if any of the persons employed in any department of the post-office shall unlawfully detain, delay, embezzle or destroy any newspaper, magazine or pamphlet, with which he shall be entrusted, such offenders, for every such offence, shall forfeit a sum not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract he may enter into, for the conveyance of the mail, may authorize the person with whom such contract is made, to carry newspapers, magazines and pamphlets, other than those carried in the mail.

On embezzling newspapers.

Postmaster General may permit contractors to carry newspapers,

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized to allow to the deputy postmasters, respectively, such commission on the monies arising from the postage of letters and packets, as he shall think adequate to their respective services and expenses: *Provided*, The said commission shall not exceed twenty per cent. to any one deputy, except the postmaster at the port where the European packets do or shall arrive, to whom such farther allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services, in the receipt and dispatch of letters originally received into his office, from on board such packets, and by him forwarded to other offices: And except the deputy postmaster at Burlington, on Lake Champlain, whose compensation the Postmaster General is hereby authorized to augment, on account of his extra trouble in receiving mails passing to and from Canada, to a sum, not exceeding one hundred dollars per annum: And except certain deputy postmasters who are obliged to rise in the night to receive mails, whose compensations the Postmaster General is hereby authorized to increase, not exceeding forty per cent. on the amount of monies arising on the postage of letters and packets: *And provided also*, That the compensations aforesaid shall not exceed one thousand eight hundred dollars per annum to any one postmaster, excepting the deputy postmaster at Philadelphia, who shall be allowed a compensation, not exceeding the sum of three thousand five hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered to the Postmaster General: And excepting the deputy postmaster at New York, who shall be allowed a compensation, not exceeding two thousand seven hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered, as aforesaid: *Provided also*, That the reasonable charges of the deputy postmasters for stationery, for cases necessary for the safe-keeping and convenient distribution of letters, and for advertising the lists of letters, from time to time, remaining in their offices, accompanied with proper vouchers, shall be admitted by the Postmaster General, and placed to their credit: And there shall also be allowed to the deputy postmaster of Philadelphia, for his extraordinary expenses incurred in the execution of his office, under the existing law, an additional compensation, at the rate of eight hundred and fifty dollars a year, to be computed from the first day of July, one thousand seven hundred and ninety-two, to the first day of June next. (a)

And allow commission to deputies.

Not to exceed 20 per cent. except at port where packets arrive,

and at Burlington on Lake Champlain.

Allowance to certain deputies who rise in the night.

Not to exceed \$1,800 per annum, Except deputy postmasters at Philadelphia and New York.

Allowance of stationery, &c.

Extra allowance to postmaster of Philadelphia.

(a) The decisions of the courts of the United States on the duties and obligations of the "Postmaster General," "Postmasters," and the "Post-office," have been:

When the issue is taken upon the neglect of the postmaster himself, it is not competent to give in evidence the neglect of his assistant. *Dunlop v. Munroe*, 7 Cranch, 242; 2 Cond. Rep. 484.

When it is intended to charge a postmaster for the negligence of his assistants, the pleadings must be made up according to the case; and his liability then will only result from his own neglect in not properly superintending the discharge of their duties in his office. *Ibid.*

In order to make a postmaster liable for negligence, it must appear that the loss or injury sustained by the plaintiff, was the consequence of his negligence. *Ibid.*

Parol evidence cannot be given, that one set of written instructions from the postmaster general superseded the other. *Ibid.*

The circuit courts of the Union have jurisdiction, under the constitution, and the acts of April 30, 1810, sec. 29, and of March 3, 1815, sec. 4, of suits brought in the name of "The Postmaster General of the United States," on bonds given to the postmaster general by a deputy postmaster, conditioned "to pay all monies that shall come to his hands for the postages of whatever is by law chargeable with postage, to the postmaster general of the United States for the time being, deducting only the commission and allowances made by law, for his care, trouble and charges in managing said office," &c. *Postmaster General v. Early*, 12 Wheat. 136; 6 Cond. Rep. 480.

The postmaster general has a right to take a bond from postmasters to him, as postmaster general, under the different acts establishing and regulating the post-office department; and particularly under the act of May 1, 1810, chap. 42, sec. 29. *Ibid.*

An entry in the post bill, is by no means conclusive evidence of the transmission of a letter so as to charge the postmaster for it; still, it may never have been put into the mail, or it may have been stolen on the passage. *Dunlop v. Monroe*, 7 Cranch, 242; 2 Cond. Rep. 484.

The neglect of the postmaster general to sue for balances due by postmasters, within the time pre-

Postmaster general to prosecute deputies neglecting to settle, and

SEC. 24. *And be it further enacted*, That if any deputy postmaster, or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General, the balance by him due, at the end of every three months,

scribed by law, although he is thereby rendered personally chargeable by the United States with such balances, is not a discharge of such postmasters or their sureties from liability on their official bonds. Nor is an order from the postmaster general to retain those balances, directed to the postmaster, until they should be drawn for by the general post-office. *Locke v. The Postmaster General*, 3 Mason's C. C. R. 446.

The provisions of law enjoining on the postmaster general to require from his deputies regular periodical settlements and payments, are directory to him, but they form no condition in the contract between the postmasters and their sureties. *Ibid.*

The postmaster general cannot sue in the federal courts under that part of the constitution which gives jurisdiction to those courts in consequence of the character of the party, nor is he authorized to sue by the judiciary act. He comes into the courts of the United States under the authority of an act of Congress, the constitutionality of which rests upon the admission that his suit is a case arising under a law of the United States. *Osborn et al. v. The Bank of United States*, 9 Wheat. 733; 5 Cond. Rep. 741.

The act of Congress, for regulating the post-office department, does not, in terms, discharge the obligors, in the official bond of a deputy postmaster, from the direct claim of the United States upon them, on the failure of the postmaster general to commence a suit against the defaulting postmaster, within the time prescribed by law. Their liability, therefore, continues. They remain the debtors of the United States. The responsibility of the postmaster general is superadded to, not substituted for, that of the obligors. *Dox et al. v. The Postmaster General*, 1 Peters, 323.

The claim of the United States, upon the official bond of a postmaster, and upon all the parties thereto, is not released by the laches of the postmaster general, to whom the assertion of this claim is entrusted by law. Such laches have no effect, whatsoever, on the claims of the United States, as well on the sureties, as upon the principal in the bond. *Ibid.*

The circuit court of the United States for the District of Columbia, has a right to award a mandamus to the postmaster general of the United States, requiring him to pass to the credit of certain contractors for carrying the United States mail, a sum found to be due to them, by the solicitor of the treasury of the United States, the solicitor acting under the provisions of a special act of Congress. The mandamus does not seek to direct or control the postmaster general in the performance of an official duty, partaking in any respect of an executive character; but to enforce the performance of a mere ministerial act, which neither he, nor the President, has any authority to control. *Kendall, Postmaster General v. The United States*, on the relation of Stockton and Stokes, 12 Peters, 524.

The distinction between the relation of a postmaster to his sworn assistant acting under him, and between master and servant generally, has long been settled; and though the latter relation might sanction the admission of evidence in an action against the postmaster, to show the neglect of the assistant, if it is intended to charge the postmaster with the neglect of the assistant, the pleading must be made up according to the case; and his liability will then only result from his neglect in not properly superintending the discharge of their duties in his office. *Dunlop v. Monroe*, 7 Cranch, 242; 2 Cond. Rep. 484.

Where there are items of debit and credit, in a running account between the postmaster general and the deputy postmasters, in the absence of any specific appropriation by either party, the credits are to be applied to the discharge of the debits antecedently due, in the order of the account. *Postmaster General v. Furber*, 4 Mason's C. C. R. 333.

The official bonds taken by the postmaster general from his deputies are valid; and the omission to bring suits on such bonds, for the defaults of the principal in such a bond, does not discharge the sureties. *Postmaster General v. Reeder*, 4 Wash. C. C. R. 678.

The mere omission to bring suit on such official bonds, by the postmaster general, against a deputy postmaster, is not, per se, evidence of fraud. *Ibid.*

The giving a new official bond by a deputy postmaster, does not discharge his sureties under the old bond, for the past or subsequent defaults of the postmaster. *Ibid.*

The order of the postmaster general, to the deputy postmaster, not to remit the money he may receive, but to retain it to answer his drafts, does not discharge the sureties. *Ibid.*

The equity rule of limitations applied to bonds where there has been no demand for twenty years, is a mere presumption of payment, not an absolute limitation. *Postmaster General v. Rice*, Gilpin's D. C. R. 562.

The provisions of the act of March 3, 1825, releasing the sureties of a deputy postmaster where suit is not brought within two years after a default, do not apply to a default which occurred before the passing of the act. *Ibid.*

The law which limits suits by the postmaster general against sureties, to two years after a default of the principal, does not operate in cases of balances unpaid at the end of a quarter, which are subsequently liquidated by the receipts of a succeeding one. *Postmaster General v. Norvel*, Gilpin's D. C. R. 131.

A bond given by a postmaster, with sureties, for the performance of official duties, does not constitute a binding contract, until approved and accepted by the postmaster general. *Ibid.*

The reception and detention of an official bond, by the postmaster general for a considerable time, without objection, is sufficient proof of its acceptance. *Ibid.*

The return of a bond to the principal obligor, by the postmaster general, for the purpose of obtaining additional security, affords no proof that it was not accepted; nor does it amount either to a surrender or cancelling of it. *Ibid.*

The postmaster general has a right to require a bond from a deputy postmaster, for the faithful performance of his duties, although such bond is not expressly required by law. *Postmaster General v. Rice*, Gilpin's D. C. R. 554.

it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing: and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent, shall be charged to, and recoverable from, the Postmaster General.

Penalty on his neglect thereof.

SEC. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act, shall be, one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

Appropriation of penalties, &c.

SEC. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General, to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port, to which

Postmaster General to make provision for the conveyance of letters by sea.

The provisions of the act of March 3, 1825, substitute a certified statement of the settled account as evidence in suits against deputy postmasters, in lieu of the certified account current required by the act of April 30, 1810. *Ibid.*

A mail carrier is within the 18th section of the "act regulating the post-office establishment," subjecting to a penalty in certain cases, persons employed in any departments of the general post-office. *United States v. Belew*, 2 Brockenb. C. C. R. 230.

The United States instituted a suit against the Bank of the Metropolis, claiming twenty-seven thousand eight hundred and eighty-one dollars and fifty-seven cents, the balance, according to the statements of the Treasury, due to the United States. The defendant claimed credits amounting to twenty-three thousand dollars, exclusive of interest, which had been presented to the proper accounting officers, for acceptances of the post-office department of the drafts of mail contractors, and an item of six hundred and eleven dollars and fifty-two cents, overdraft of an officer of the post-office department, on the Bank of the Metropolis. The drafts of the contractors, accepted by the post-office department, were discounted by the Bank, in the way of business; one draft was accepted unconditionally, the other drafts were accepted, "on condition, that the contracts be complied with." Held: That the Bank became the holder of the draft unconditionally accepted, for valuable consideration; and its right to charge the United States with the amount cannot be defeated by any equities between the drawers, and the post-office. *The United States v. The Bank of the Metropolis*, 15 Peters, 377.

It was no matter, how the account of the drawer of the draft unconditionally accepted stood with the post-office department; whether he was a debtor or a creditor; whether the Bank knew one or the other. An unconditional acceptance was tendered to the Bank for discount. It was not the duty of the Bank to inquire how the account stood, or for what purpose the acceptance was made. All it had to look to was the genuineness of the acceptance, and the authority of the officer to give it. *Ibid.*

The rule is, that the want of consideration between the drawer and the acceptor is no defence against the rights of a third party, who has given a consideration for the bill: and this, even though the acceptor has been defrauded by the drawee, if that be not known to such third party. *Ibid.*

If one purpose making a conditional acceptance only, and commit that acceptance to writing, he should be careful to express the condition therein. He cannot use general terms, and then exempt himself from liability, by relying upon particular facts which have already happened, though they are connected with the conditional acceptance. By express terms the acceptor might have guarded against any construction, other than that which was intended by, or was the apparent meaning of the words of the acceptance. It matters not what the acceptor meant by a cautious and precise phraseology, if it be not expressed as a condition. *Ibid.*

Nothing out of the condition expressed in the words of the acceptance can be inferred; unless it be in a case where the words used are so ambiguous as to make it necessary that parol evidence should be resorted to, to explain them. *Ibid.*

If two persons deal in relation to the executory contracts of a third, and one of them, being the obligee, induces the other to advance money, "upon condition that his contracts be complied with," and he knows that forfeitures have been already incurred by the obligor, for breaches of his contract, and does not say so, he shall not be permitted afterwards to get rid of his liability, by saying, "I cannot pay you, for when I accepted there was already due to me from the drawer of the bills more than I accepted for; you did not choose to make inquiry." *Ibid.*

The terms "accepted, when the contracts of the drawer of the bill are complied with," are not retroactive; they do not refer to past transactions, to the subsequent performance of the contractors. *Ibid.*

The postmaster general had the same power, and no more, over the credits allowed by his predecessor, if allowed within the scope of his official authority, as given by law to the head of the department. This right in an incumbent of reviewing a predecessor's decisions, extends to mistakes in matters of fact, arising from errors in calculation, and to cases of rejected claims in which material testimony is afterwards discovered and produced. But, if a credit has been given, or an allowance made by the head of a department, and it is alleged to be an illegal allowance, the judicial tribunals must be resorted to, to construe the law under which the allowance was made; and to settle the right between the United States and the party to whom the credit was given. It is no longer a case between one officer's judgment, and that of his successor. No statute is necessary to authorize the United States to sue in such a case. The right to sue is independent of statute, and it may be done by the direction of the incumbent of the department. *The United States v. The Bank of the Metropolis*, 15 Peters, 377.

such ship or vessel shall be bound. And for every letter or packet, so received, there shall be paid, at the time of its reception, a postage of one cent, which shall be for the use of the postmasters, respectively, receiving the same. And the Postmaster General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets, through the post-offices.

Postmasters
&c. exempt from
militia duty.

SEC. 27. *And be it further enacted*, That the deputy postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

Letter carriers

SEC. 28. *And be it further enacted*, That letter carriers shall be employed at such post-offices as the Postmaster General shall direct, for the delivery of letters in the places, respectively, where such post-offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, two cents: *Provided*, That no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post-office a written request, that his letters shall be detained in the office. And for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is so lodged, the deputy postmaster shall receive one cent of the person to whom it shall be delivered.

may receive two
cents for each
letter.

When this act
shall be in force.

SEC. 29. *And be it further enacted*, That this act shall be in force, from the first day of June next.

APPROVED, May 8, 1794.

STATUTE I.

May 9, 1794.

CHAP. XXIV.—*An Act providing for raising and organizing a Corps of Artillerists and Engineers.*

[Repealed.]
Troops to be
raised for three
years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the number of seven hundred and sixty-four non-commissioned officers, privates and artificers, to serve as privates and musicians, shall be engaged for the term of three years, by voluntary enlistments; and that the proper proportion of commissioned officers shall be appointed to command the same.

1802, ch. 9.

How incorpo-
rated with the
corps of artil-
lery.

SEC. 2. *And be it further enacted*, That the aforesaid commissioned and non-commissioned officers, privates, artificers and musicians, shall be incorporated with the corps of artillery now in the service of the United States, and denominated the corps of artillerists and engineers, and that the entire number of the said corps, exclusively of the commissioned officers, shall be nine hundred and ninety-two.

To be denom-
inated corps of
artillerists and
engineers.

Organization.

SEC. 3. *And be it further enacted*, That the organization of the said corps be as herein mentioned, to wit: One lieutenant-colonel commandant, one adjutant, one surgeon; four battalions, each to consist of one major, one adjutant and paymaster, and one surgeon's mate; and four companies, each to consist of one captain, two lieutenants, two cadets with the pay, clothing and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers and miners, and ten artificers to serve as privates, and two musicians.

Pay and allow-
ance.

SEC. 4. *And be it further enacted*, That the additional commissioned officers, non-commissioned officers, privates, artificers and musicians, by this act directed to be raised, shall receive the same pay and allowances in all respects, as the troops already in the service of the United States; and they shall also be governed by the same rules and articles of war, which have been, or may be by law established.

Secretary at
War to provide
books and ap-
paratus.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Secretary of War to provide, at the public expense, under such regulations as shall be directed by the President of the United States, the necessary books, instruments and apparatus, for the use and benefit of the said corps.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause such proportions of the said corps to serve in the field, on the frontiers, or in the fortifications of the sea-coast, as he shall deem consistent with the public service.

APPROVED, May 9, 1794.

President how to employ said corps.

STATUTE I.

CHAP. XXV.—*An Act supplementary to "An act to provide for the Defence of certain Ports and Harbors in the United States."*

May 9, 1794.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port and harbor of the city of Annapolis be fortified, in such manner, and at such time or times, as the President of the United States may direct: and that it shall be lawful for the President of the United States to employ a garrison in the said fortification, provide cannon and equipments, and receive from the state of Maryland, a cession of the lands on which the said fortification, and its necessary buildings, may be erected, agreeably to the second and third sections of the act to which this is a supplement.

APPROVED, May 9, 1794.

Act of March 20, 1794, ch. 9. Harbor of Annapolis to be fortified and garrisoned.

On what condition.

STATUTE I.

CHAP. XXVII.—*An Act directing a Detachment from the Militia of the United States.*

May 9, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized to require of the executives of the several states, to take effectual measures, as soon as may be, to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, the following proportions, respectively, of eighty thousand effective militia, officers included, to wit: From the state of Georgia, one thousand three hundred and thirty-three; from the state of South Carolina, three thousand five hundred and fifty; from the state of North Carolina, seven thousand three hundred and thirty-one; from the State of Kentucky, one thousand five hundred and thirty-two; from the state of Virginia, eleven thousand three hundred and seventy-seven; from the state of Maryland, five thousand four hundred and eighteen; from the state of Delaware, one thousand two hundred and fifty-six; from the State of Pennsylvania, ten thousand seven hundred and sixty-eight; from the State of New Jersey, four thousand three hundred and eighteen; from the state of New York, seven thousand nine hundred and seventy-one; from the state of Vermont, two thousand one hundred and thirty-nine; from the state of Connecticut, five thousand eight hundred and eighty-one; from the state of Rhode Island, one thousand six hundred and ninety-seven; from the state of Massachusetts, eleven thousand eight hundred and eighty-five; from the state of New Hampshire, three thousand five hundred and forty-four.

[Expired.]

President of the U. States to require of the states 80,000 effective militia.

Apportionment.

SEC. 2. *And be it further enacted*, That the detachments of militia aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in each state respectively.

How officered.

SEC. 3. *And be it further enacted*, That the President may, if he judges expedient, authorize the executives of the several states to accept any independent corps of cavalry, artillery or infantry, as part of the detachments aforesaid, provided they shall voluntarily engage as corps in the service.

President may accept certain corps as volunteers.

SEC. 4. *And be it further enacted*, That the said militia shall not be compelled to serve a longer time, in any one tour, than three months

Time of service.

Pay and allowance.

after their arrival at the place of rendezvous: And that, during the time of their service, besides their pay and other allowances, which shall be the same as the troops on the military establishment of the United States, they shall receive at the rate of one dollar and sixty-six cents, for clothing, per month.

President to cause the whole of the militia to be armed, &c.

SEC. 5. *And be it further enacted*, That the President of the United States be requested to call on the executives of the several states, to take the most effectual means, that the whole of the militia, not comprised within the foregoing requisition, be armed and equipped according to law.

Limitation of this act.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

APPROVED, May 9, 1794.

STATUTE I.

May 13, 1794.

CHAP. XXVIII.—*An Act to erect a Lighthouse on the headland of Cape Hatteras; and a lighted Beacon on Shell Castle Island in the harbor of Occocock in the state of North Carolina.*

Lighthouse on Cape Hatteras, how, by whom, and on what condition to be built.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as the jurisdiction of so much of the head-land of Cape Hatteras in the state of North Carolina, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a lighthouse shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide by contract which shall be approved by the President of the United States, for building a lighthouse thereon of the first rate, and furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building said lighthouse: And the President is hereby authorized to make said appointments. That the number and disposition of the lights in the said lighthouse shall be such, as may tend to distinguish it from others, and as far as practicable, to prevent mistakes in navigators.

President to appoint superintendent.

Lighted beacon on Shell Castle island, by whom and on what condition to be built.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to provide by contract, which shall be approved by the President of the United States, for building on an island in the harbor of Occocock, called Shell Castle, a lighted beacon of a wooden frame fifty-five feet high, to be twenty-two feet at the base, and to be reduced gradually to twelve feet at the top exclusively of the lantern, which shall be made to contain one large lamp with four wicks, and for furnishing the same with all necessary supplies. *Provided*, That no such lighted beacon shall be erected, until a cession of a sufficient quantity of land on the said island shall be made to the United States by the consent of the legislature of the state of North Carolina.

Appropriation therefor.

SEC. 3. *And be it further enacted*, That sufficient monies be appropriated for the erecting and completing the buildings aforesaid out of any monies heretofore appropriated which may remain unexpended, after satisfying the purposes for which they were appropriated, or out of any monies which may be in the treasury not subject to any prior appropriation.

APPROVED, May 13, 1794.

STATUTE I.

May 19, 1794.

CHAP. XXXI.—*An Act for erecting a Lighthouse on the Island of Seguin in the district of Maine, and for erecting a beacon and placing three buoys at the entrance of Saint Mary's river, in the state of Georgia.*

Secretary of Treasury to

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

shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on the island of Seguin, near the entrance of the river Kennebeck, in the district of Maine, (the commonwealth of Massachusetts having ceded to the United States ten acres of the said island, for that purpose) and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons, who may be appointed by the President, for the superintendence and care of the same: And the President is hereby authorized to make the said appointments: That the number or disposition of the light or lights in the said lighthouse, be such as may tend to distinguish it from others, as far as is practicable.

SEC. 2. *And be it further enacted*, That a sum not exceeding five thousand dollars be appropriated for the same, out of any monies heretofore appropriated, which may remain unexpended, after satisfying the purpose for which they were appropriated, or out of any other monies which may be in the treasury, not subject to any prior appropriations.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause a beacon to be erected, and three buoys to be placed at the entrance of Saint Mary's river in the state of Georgia, and that a sum, not exceeding three hundred dollars, be appropriated in like manner, as the sum for defraying the expenses for erecting a lighthouse on the island of Seguin, is appropriated by this act, for the purpose of defraying the charges of erecting and placing the same.

APPROVED, May 19, 1794.

contract for building lighthouse on the island of Seguin with approbation of the President.

President to appoint superintendent.

Appropriation therefor.

Secretary of Treasury to cause beacon, &c. to be placed at St. Mary's river, &c.

Appropriation therefor.

STATUTE I.

CHAP. XXXII.—*An Act further to authorize the Adjournment of Circuit Courts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a circuit court in any district, when it shall happen that no justice of the supreme court attends within four days after the time appointed by law for the commencement of the session, may be adjourned to the next stated term by the judge of the district, or in case of his absence also, by the marshal of the district.

APPROVED, May 19, 1794.

May 19, 1794.

Act of Sept. 24, 1789, ch. 20.

When circuit court may be adjourned by district judge or marshal.

STATUTE I.

CHAP. XXXIII.—*An Act prohibiting for a limited time the Exportation of Arms and Ammunition, and encouraging the Importation of the same.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenades, gunpowder, sulphur or saltpetre, but the exportation of all the aforesaid articles are hereby prohibited for and during the term of one year.

SEC. 2. *And be it further enacted*, That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay or harbor within the territory of the United States, with an intent to be exported from the United States to any foreign country, shall be forfeited, and in case the value thereof shall amount to four hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture shall also be forfeited. *Provided nevertheless*, That nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the

May 22, 1794.

[Obsolete.]

Exportation of arms and ammunition prohibited for one year. 1795, ch. 53. 1797, ch. 2.

Forfeiture on landing any of the said articles with intent to export them, &c.

United States in any vessel having a license as a coasting vessel, the master, agent or owner of which shall have given bond with one or more sufficient sureties to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be re-landed and delivered in some port of the United States.

Vessel exporting said articles liable to forfeiture, &c.

SEC. 3. *And be it further enacted,* That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the vessel in which the same shall have been exported together with her tackle, apparel and furniture, shall be liable to forfeiture, and the captain or master of such vessel shall forfeit and pay a sum not exceeding one thousand dollars.

Duty of custom-house officers herein.

SEC. 4. *And be it further enacted,* That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in 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 and vessels."

1790, ch. 35.

Importation of brass cannon, muskets, &c. for two years free of duty.

SEC. 5. *And be it further enacted,* That all brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket ball, lead, and gunpowder which shall be imported into the United States from any foreign country within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty, any thing in any former law to the contrary notwithstanding.

APPROVED, May 22, 1794.

STATUTE I.

May 30, 1794.

CHAP. XXXIV.—*An Act to continue in force the act for the relief of persons imprisoned for debt.*

[Expired.]

Act for relief of persons imprisoned for debt, continued for two years.

Act of May 5, 1792, ch. 29. Repealed 1796, ch. 38.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act for the relief of persons imprisoned for debt," be continued, and that the same be in force for the term of two years from the passing of this act, and from thence to the end of the next session of Congress and no longer.

APPROVED, May 30, 1794.

STATUTE I.

May 30, 1794.

CHAP. XXXV.—*An Act to alter the time for the next annual meeting of Congress.*

[Obsolete.]

Congress to meet first Monday in Nov. next.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

APPROVED, May 30, 1794.

STATUTE I.

May 30, 1794.

CHAP. XXXVI.—*An Act further extending the time for receiving on loan the Domestic Debt of the United States.*

[Obsolete.]

Domestic debt, term for subscribing extended to 31st Dec. 1794.

1793, ch. 26. 1795, ch. 13.

SECTION I. *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, entitled "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," be, and the same is hereby further extended from and after the last day of June ensuing, until the last day of December next 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.

1790, ch. 34.

On what terms.

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-four, a rate per centum on the amount of such of their demands, as have been registered or as shall be registered at the treasury conformable to the directions in the act, intituled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Provision for non-subscribing creditors.

1790, ch. 34.

APPROVED, May 30, 1794.

STATUTE I.

CHAP. XXXVII.—*An Act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of the accounts between the United States and the individual States.*

May 31, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That interest upon the balances reported to be due to certain states, by the commissioners for settling accounts between the United States and individual states, be allowed, from the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum: And that the amount of such interest be placed to the credit of the state, to which the same shall be found due, upon the books of the treasury of the United States, and shall bear an interest of three per centum per annum, from and after the said last day of December, one thousand seven hundred and ninety-four.

[Obsolete.]

Allowance of interest on balance due to certain states, &c.

1790, ch. 38.

SEC. 2. *And be it further enacted*, That the interest on the said balances, reported by the said commissioners, as aforesaid, which shall be funded, agreeable to the terms of the act, intituled "An act to provide more effectually for the settlement of the accounts, between the United States and the individual states," together with the interest on the amount placed to the credit of any such state, for arrearages of interest on such balances, agreeable to the terms of this act, be paid quarter yearly, after the said last day of December, one thousand seven hundred and ninety-four; that is to say: one fourth part thereof, on the last days of March, June, September and December, respectively, in each year, at the offices of the commissioners of loans, within such states as shall be intitled to receive the same; the first payment to be made on the last day of March one thousand seven hundred and ninety-five: And for the payment of the said interest, so much of the duties arising, yearly, on imports and tonnage, from and after the last day of December, one thousand seven hundred and ninety-four, as may be necessary, and not heretofore otherwise appropriated, be, and the same is hereby pledged and appropriated; and that the faith of the United States be, and the same is hereby pledged to provide for any deficiency that may happen, by such additional and permanent funds, as may be necessary therefor.

When and how to be paid.

1790, ch. 38.

Out of what funds payable.

APPROVED, May 31, 1794.

STATUTE I.

June 4, 1794.

CHAP. XL.—*An Act providing for the payment of the second instalment due on a Loan made of the Bank of the United States.*

[Obsolete.]
President of United States to pay second instalment to the Bank out of foreign loans.

SECTION 1. *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 proceeds of foreign loans heretofore transferred to the United States, in payment of the second instalment due to the Bank of the United States, upon a loan of the said bank, made pursuant to the eleventh section of the act for incorporating the subscribers to the said bank: And that the annual period for the payment of each instalment of the said loan, shall be deemed to be the last day of December in each year.

Annual period for payment of each instalment.

Appropriation for paying interest on said loan.

SEC. 2. *And be it further enacted,* That a sufficient sum of the dividends, which have accrued, or which shall hereafter accrue, on the stock owned by the United States, in the Bank of the United States, be, and the same is hereby appropriated to the payment of the interest, which has, or shall become due, on the loan obtained, as aforesaid.

APPROVED, June 4, 1794.

STATUTE I.

June 4, 1794.

CHAP. XLI.—*An Act to authorize the President of the United States to lay, regulate and revoke Embargoes.*

[Expired.]
President authorized to lay embargoes, &c.

Resolution of March 26, 1794, p. 400, post.

SECTION 1. *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, whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same, whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States, as may be necessary to carry the same into full effect: *Provided,* The authority aforesaid shall not be exercised, while the Congress of the United States shall be in session: And any embargo, which may be laid by the President, as aforesaid, shall cease and determine in fifteen days from the actual meeting of Congress, next after laying the same.

Limitation of this act.

SEC. 2. *And be it further enacted,* That this act shall continue and be in force until fifteen days after the commencement of the next session of Congress, and no longer.

APPROVED, June 4, 1794.

STATUTE I.

June 4, 1794.

CHAP. XLII.—*An Act for extending the Benefit of a Drawback and Terms of Credit in certain cases, and for other purposes.*

[Obsolete.]
Further time allowed for benefit of drawback on goods exported.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where the term allowed by law for the exportation of goods, wares or merchandise, with the benefit of a drawback of the duties thereupon, shall have expired after the last day of January last past, and previous to the last day of July next, there shall be allowed further time for the exportation with the benefit aforesaid until the said last day of July next.

Further time allowed on certain bonds now unpaid.

SEC. 2. *And be it further enacted,* That on all bonds which may have been given for duties on coffee, sugar and indigo imported into the United States, and which shall be unpaid at the passing of this act, all that time from the last day of January last past to the last day of May

instant shall be considered as no part of the time allowed by law for the payment of the said duties, but the importer shall enjoy the same term of credit as if the said period had not intervened. *Provided*, That in every case where the extension of credit is claimed and granted under this act new bonds shall be given for the duties on which such credit is extended, with one or more sureties to the satisfaction of the collector of the district.

When new bonds shall be given.

SEC. 3. *And be it further enacted*, That in cases where the certificates and evidence now required by law for authorizing the payment of any drawback or allowance on any goods, wares or merchandise exported since the first day of July, one thousand seven hundred and ninety-two, or which may be hereafter exported, are not and cannot be obtained, the exporter or exporters of such goods, wares or merchandise shall nevertheless be permitted to offer such other proof as to the delivery thereof without the limits of the United States as he or they may have, to the comptroller of the treasury, who shall, if the same proof shall be satisfactory to him, direct the payment of the drawback or allowance. *Provided always*, That in no case shall a drawback be hereafter paid on any goods, wares or merchandise until the duties on the importation thereof shall have been first received.

Evidence required for payment of drawback.

Proviso.

APPROVED, June 4, 1794.

STATUTE I.

CHAP. XLIII.—*An Act to extend the Term of Credit for Teas imported in the ship Argonaut; and to permit the export of Goods saved out of the wreck of the snow Freelove.*

June 4, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the collector of the district of Pennsylvania be, and he hereby is authorized and directed, to take bond, with sufficient surety, for the payment of the duties accruing on teas imported into the said district, in the ship Argonaut, Victor Chabert commander, from China, payable on the fifteenth day of May, one thousand seven hundred and ninety-five, or to receive, on deposit, such of the said teas as may be tendered for that purpose, as security for the said duties.

[Obsolete.]

Collector of Pennsylvania to take certain bonds for teas imported in ship Argonaut.

SEC. 2. *And be it further enacted*, That the said collector be authorized to permit the said teas, or any part thereof, to be exported under the like regulations as other teas are permitted to be exported, at any time before the fifteenth day of May, one thousand seven hundred and ninety-five.

Under what condition may permit said teas to be exported.

SEC. 3. *And be it further enacted*, That the collector aforesaid be authorized and directed to permit the exportation of any sugars, coffee, cocoa or molasses, saved out of the snow Freelove, cast away on Cape Hatteras, as may be required, by the owners thereof, under the like regulations and provisions as goods of a like kind are permitted to be exported, and to allow the drawbacks thereon, as if the same had been directly imported into the district of Pennsylvania.

And coffee, &c. saved out of snow Freelove.

APPROVED, June 4, 1794.

STATUTE I.

CHAP. XLV.—*An Act laying duties upon Carriages for the conveyance of Persons.*(a)

June 5, 1794.

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 levied, collected and paid, upon all carriages for the convey-

[Repealed.]

April 6, 1802. Specific duties on carriages.

(a) The act of Congress of June 5, 1794, laying duties upon carriages for the conveyance of persons, is a constitutional act, and within the authority granted to Congress by the 8th section of the first article of the constitution. *Hylton v. The United States*, 3 Dall. 171; 1 Cond. Rep. 83.

ance of persons, which shall be kept by or for any person, for his or her own use, or to be let out to hire, or for the conveying of passengers, the several duties and rates following, to wit: For and upon every coach, the yearly sum of ten dollars;—for and upon every chariot, the yearly sum of eight dollars;—for and upon every phaeton and coachee, six dollars;—for and upon every other four wheel, and every two wheel top carriage, two dollars;—and upon every other two wheel carriage, one dollar. *Provided always*, That nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transporting or carrying of goods, wares, merchandise, produce or commodities.

To be levied and collected by supervisors and inspectors.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection, subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

Duty of persons keeping carriages.

SEC. 3. *And be it further enacted*, That every person having or keeping a carriage or carriages, which, by this act, is or are made subject to the payment of duty, shall, within the month of September in each year, make entry of the same with the officer of inspection of the district, in which he or she shall reside, and pay the duty thereon: And such entry shall be in writing, subscribed by the owner of such carriage or carriages, and shall describe each by its proper denomination and number of wheels. And, for the purpose of receiving such entry and payment, it shall be the duty of the supervisor of the district, or of some officer of inspection, to attend, within the month of September in each year, at one of the most public and convenient places in each county, within their respective districts, and to give public notice, at least one month previous to such day, of the time and place of such attendance.

Of supervisors. Duty of supervisors.

Forfeiture on neglecting to pay duties herein.

And if any person, having or keeping a carriage or carriages, charged with a duty or duties by this act, shall neglect or omit to bring, or send and deliver such list thereof, at or within any monthly period aforesaid, in manner above mentioned, or to pay the duty or duties thereupon payable, he or she shall, for every such neglect or omission, forfeit and pay a sum equal to the duty or duties payable upon the said carriage or carriages, in addition to the said duty or duties.

When duties may be paid at usual place of abode.

SEC. 4. *And be it further enacted*, That if any person having or keeping a carriage or carriages chargeable with any duty by this act, shall prefer to the mode of payment herein before directed, that of paying the amount of the duties by him or her payable, upon demand of him or her made at his or her usual place of habitation, it shall be at his or her option to make payment in manner last mentioned, upon the condition following, that is to say: that he or she, if having or keeping a carriage or carriages, so liable to duty, on the first day of September next, shall, within the said month of September, or, if beginning to have or keep such carriage or carriages, at any time after the said first day of September, shall, within thirty days after he or she shall so begin to have or keep such carriage or carriages, give notice thereof in writing, at the office of inspection nearest to his or her said place of habitation, by transmitting a list thereof, of the like kind and description with that directed and described in the third section of this act, and expressing thereupon, that he or she doth elect to pay the yearly duty or duties payable upon the carriage or carriages therein mentioned, upon demand of him or her, at his or her said place of habitation, and upon this further condition, that he or she shall pay, upon such demand, in addition to the said duty or duties, a commission of one per centum upon the amount thereof, for the benefit of the officer or person by whom the said demand shall have been made.

Upon what conditions.

SEC. 5. *And be it further enacted,* That every person who shall make such election, as aforesaid, shall pay, or cause to be paid, yearly, and every year, after the month of September, upon the calling for that purpose, at his or her said place of habitation, of any officer of inspection, or person thereunto authorized, the amount of duty or duties by him or her payable, upon the carriage or carriages, whereof he or she shall have transmitted a list, as aforesaid, so long as he or she shall continue to have or keep the same, and until he or she shall give notice in writing, at the office of inspection, to which the said list shall have been transmitted, that he or she hath sold, or otherwise assigned, or alienated, any carriage or carriages therein mentioned: in default of which payment, the duty or duties, and commission thereupon, in respect to which any such default shall be made, shall and may be sued for and recovered in any court of the United States, or of either of them, or shall and may be levied, together with reasonable charges, by distress and sale of the goods and chattels of the person making such default.

Duty of persons electing to pay at usual place of abode.

SEC. 6. *And be it further enacted,* That if any person, by whom such election, as aforesaid, shall have been made, shall omit to notify, in manner herein before directed, any carriage or carriages liable to duty, by this act, which he or she shall, at any time, have or keep, he or she shall, in respect to such carriage or carriages, stand and be in the same predicament, as persons by whom no such election shall have been made, and shall incur the like penalties and forfeitures, as such persons are by this act made liable to, for neglecting or omitting to bring, or send and deliver, true and exact lists of the carriages by them respectively had or kept, and paying the duties thereupon, in manner herein directed.

In default thereof how said duties may be sued for.

Persons neglecting to notify carriage, &c.

How to be proceeded against.

SEC. 7. *Provided always, and be it further enacted,* That it shall be, at any time, lawful for any person, who shall have made any such election, as aforesaid, by notice in writing under his or her hand, sent to, and delivered at the same office of inspection, where the notice of such election shall have been given, to revoke the said election; after which revocation, he or she shall stand and be, as to all matters and things directed and prescribed by this act, in the same situation, as if no such election had been made.

Privilege of persons electing to pay at usual place of abode.

SEC. 8. *And be it further enacted,* That the supervisors of the revenue shall have power, from time to time, to examine upon oath or affirmation, any officers or persons employed under them in the collection and receipts of the duties aforesaid.

Power of supervisors herein.

SEC. 9. *And be it further enacted,* That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he or she shall suffer the pains and penalties, which by law are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Penalty on swearing or affirming falsely.

SEC. 10. *And be it further enacted,* That all fines, penalties and forfeitures, which shall be incurred pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, if not an officer of inspection, shall first give information of the cause, matter or thing, whereby any of the said penalties or forfeitures shall have been incurred, and as well the duties hereby laid, as the said fines, penalties and forfeitures, all or any of them, shall and may be sued for, and recovered, in any court of the United States, or before any magistrate, or state court, having competent jurisdiction.

Fines and forfeitures in pursuance of this act, how disposed of,

and duties sued for and recovered.

SEC. 11. *And be it further enacted,* That this act shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

Limitation of this act.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

[Obsolete.]

President of U. S. may cause ten vessels to be built.

How to be fitted out, manned, &c.

Pay and subsistence.

President to appoint the officers, &c.

Appropriation therefor.

President authorized to borrow \$80,000.

CHAP. XLVI.—*An Act to authorize the President of the United States during the recess of the present Congress, to cause to be purchased or built a number of Vessels to be equipped as Galleys, or otherwise, in the service of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized, during the recess of the present Congress, if the same shall appear to him necessary for the protection of the United States, to cause a number of vessels, not exceeding ten, to be built or purchased, and to be fitted out, manned, armed and equipped as galleys or otherwise in the service of the United States, the officers and men to be on the same pay, and to receive the same subsistence as officers of the same rank and men are entitled to, in the navy of the United States.

SEC. 2. *And be it further enacted,* That the said officers shall be appointed, and commissioned by the President of the United States, and the said galleys or vessels be stationed in such parts of the United States, as he may direct.

SEC. 3. *And be it further enacted,* That there be appropriated for the purpose aforesaid, the sum of eighty thousand dollars to be paid out of the proceeds of any revenue of the United States, which now are, or hereafter during the present session shall be provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated as aforesaid, according to such contract or contracts, which shall be made concerning the same.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

[Obsolete.]

Commissioners of loans, certain allowance in settlement of their accounts.

Specific appropriation therefor.

CHAP. XLVII.—*An Act authorizing a settlement of certain expenses of the Commissioners of Loans.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners of loans in the several states shall be allowed in the settlement of their accounts such sums as shall appear to have been necessarily expended by them in the purchase of stationary for the use of their several offices, and also for the hire of clerks to assist in executing the duties of their respective offices, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of the year one thousand seven hundred and ninety-four inclusively.

SEC. 2. *And be it further enacted,* That a sufficient sum of the proceeds of the duties on imports and tonnage not exceeding the sum of fifteen thousand dollars, be and the same is hereby appropriated to the payment of such of the expenses before mentioned as shall accrue during the present year and be allowed on settlement at the treasury.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

Repealed by Act of April 6, 1802.

Certain persons declared to be retail dealers in wines.

CHAP. XLVIII.—*An Act laying duties on licenses for selling Wines and foreign distilled spirituous liquors by retail.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person, who shall deal in the selling of wines, to be carried or sent out of the house, building or place of his or her dwelling, in a less quantity, or in less quantities, at one time, than thirty gallons, except in the original cask, case, box or package, wherein the same shall have been imported,

shall be deemed to be, and hereby is declared to be, a retail dealer in wines, within the meaning of this act; and that every person, who shall deal in the selling of any foreign distilled spirituous liquors, to be carried or sent out of the house, building or place of his or her dwelling, in less quantities than twenty gallons, at one time, shall be deemed to be, and hereby is declared to be a retail dealer in foreign distilled spirituous liquors: *Provided always*, That nothing herein contained shall be construed to extend to persons, who, as keepers of taverns, inns or houses of entertainment, duly licensed or authorized under any law of a state, shall vend or sell really and truly for consumption, within the houses, buildings or premises, only, by them respectively occupied or kept, as taverns, inns, or other houses of entertainment, wines or distilled spirituous liquors, in whatsoever quantity, nor to physicians, apothecaries, surgeons or chemists, as to any wines or spirituous liquors, which they may use in the preparation or making up of medicines, for sick, lame or diseased persons only.

SEC. 2. *And be it further enacted*, That every person, who, on the thirtieth day of September next, shall be a retail dealer in wines, or foreign distilled spirituous liquors, as above described and defined, both, or either of them, shall, before the said day, and every person, who, after the said day, shall become, or intend to become such retail dealer in wines or foreign distilled spirituous liquors, both or either of them shall, before he or she shall begin to vend, or sell, by retail, any wine or wines, or foreign distilled spirituous liquors, apply for and obtain, in manner herein after directed, a license for carrying on the business of retailing wines or foreign distilled spirituous liquors, as the case may be, that is to say; one license for carrying on the business of retailing wines, and another license for carrying on the business of retailing foreign distilled spirituous liquors; which licenses respectively, shall be granted for the term of one year upon the payment of five dollars for each license; and shall be renewed, yearly, upon the payment of the like sum of five dollars for each license. And if any person shall, after the said day, deal in the selling of wines or foreign distilled spirituous liquors, by retail, as above described and defined, without having a license therefor, as aforesaid, continuing in force, such person shall forfeit and pay the sum of fifty dollars, to be recovered with costs of suit. And no such license shall be sufficient for the selling of wines, or foreign distilled spirituous liquors, by retail at more than one place; but any person, who by colour of such license shall sell any wines or foreign distilled spirituous liquors, at more than one place, shall be deemed to be, in respect to such of the said articles, as he or she shall so sell, at more than one place, a retail dealer therein without license, and shall forfeit and pay the like sum of fifty dollars, to be recovered with costs of suit.

SEC. 3. *And be it further enacted*, That it shall be the duty of the supervisors of the revenue, within their respective districts, to grant licenses for carrying on the said businesses respectively, of retailing wines and foreign distilled spirituous liquors, which licenses shall be marked or stamped with a mark or stamp, denoting the sum of the duty thereupon; and shall be signed by the supervisor of the revenue, who shall issue the same, or cause the same to be issued, and shall be granted to any person, who shall desire the same, upon application made at any office of inspection, for that purpose, in writing, specifying the name of the person, for whom a license is requested, and the place or premises where the business for which the same is requested to be carried on, and also upon payment or tender to the officer thereof, of the sum or duty payable by this act, upon each license requested. And, to the end, that all persons carrying on, or intending to carry on, both or either of the said businesses, may obtain, with ease and dispatch, the licenses, whereof they shall respectively stand in need, it is hereby made the duty

Certain persons declared to be retail dealers in foreign distilled spirits.

Retail dealers in wines, &c. to obtain licenses on 30th Sept. next.

Forfeiture on neglect thereof.

Licenses by whom granted.

How designated and signed, and to whom issued.

Supervisors to furnish officers of inspection with blank licenses.

By whom the same shall be countersigned and issued.

Duties herein under whose direction to be received, &c.

Fines, &c. how sued for and recovered.

President of the U. States to compensate officers of inspection.

Not exceeding two and a half per cent. &c.

Limitation of this act.

Continued 1795, ch. 45.

of the respective supervisors, to prepare and furnish to the several officers of inspection acting under them, licenses signed by them, with the proper marks and stamps, in competent number, and with blanks for the names of the persons for whom they shall be requested, and the places or premises respectively where the business or businesses, for which they are requested, is or are to be carried on. And the officer of inspection, to whom such application and payment, or tender as aforesaid, shall be made, shall forthwith issue the license or licenses requested, having first filled the blanks therein, and countersigned the same. *Provided always*, That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors, who is prohibited to sell the same, by the laws of any state.

SEC. 4. *And be it further enacted*, That the duties aforesaid shall be received, collected, accounted for, and paid under and subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

SEC. 5. *And be it further enacted*, That all fines, penalties and forfeitures, which shall be incurred, by force of this act, shall and may be sued for, and recovered, in the name of the United States, or of the supervisor of the revenue within whose district any such fine, penalty or forfeiture shall have been incurred, by bill, plaint or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter or thing, whereby any such fine, penalty or forfeiture shall have been incurred, and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the state holden within the said district having jurisdiction in like cases.

SEC. 6. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and a half per centum of the total amount of the said duties collected.

SEC. 7. *And be it further enacted*, That this act shall continue and 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, June 5, 1794.

STATUTE I.

June 5, 1794.

Repealed by Act of April 6, 1802, ch. 19.

Certain powers to President of the U. States as to collection of duties on distilled spirits, &c.

CHAP. XLIX.—*An Act making further provision for securing and collecting the Duties on foreign and domestic distilled Spirits, Stills, Wines and Teas.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to facilitate and secure the collection of the revenue on distilled spirits, and stills, in such states as have been, or hereafter may be erected, and in the territories northwest, and south of the river Ohio, the President of the United States shall be, and he is hereby authorized and empowered to form and erect such new districts and surveys, and to make such alterations in, and additions to the several districts, and in and to the several surveys thereof, as from time to time shall appear, in his judgment, expedient and necessary; and that it shall also be lawful for the President, by and with the advice and consent of the Senate, to appoint such and so many supervisors, inspectors of surveys, and in-

spectors of ports, therein and therefor, as may be found necessary, and to assign to them, compensations proportionate to those heretofore, or which may hereafter be allowed, to the officers of the revenue. *Provided*, That if the appointment of such supervisors and inspectors cannot be made, during the present session of Congress, the President may, and he is hereby empowered to make such appointments, during the recess of the Senate, by granting commissions, which will expire at the end of their next session.

And appointment of supervisors, &c.

SEC. 2. *And be it further enacted*, That all spirits which shall be distilled in the United States, in stills which shall not have been previously entered at some office of inspection, shall be liable, together with the stills or other vessels used in the distillation thereof, to seizure and forfeiture.

Spirits distilled in stills not entered liable to seizure.

SEC. 3. *And be it further enacted*, That no drawback of the duty on distilled spirits, which shall be exported after the first day of July next, shall be allowed upon any quantity less than one hundred and fifty gallons.

Drawback not to be allowed on less than 150 gallons.

SEC. 4. *And be it further enacted*, That it shall be lawful to import into the United States, in the same ship or vessel in which they were exported, any spirits distilled therein, which shall have been previously exported therefrom, on payment of the duties on spirits of equal proof, distilled in the United States, and of a sum equivalent to the duties established by law upon the raw materials, from whence they shall have been distilled; and all such importations shall be made, under the same regulations, and in such manner as is directed by law, in regard to the importation of foreign distilled spirits.

On what condition certain spirits may be imported.

SEC. 5. *And be it further enacted*, That from and after the first day of July next, on the sale of any emptied cask, vessel or package, which has been or shall be lawfully marked, as containing foreign or domestic distilled spirits, wines or teas, and prior to the removal thereof and to the delivery of the same to the purchaser, the marks or numbers which shall or may have been made thereon, by any officer of inspection, or by any person employed or authorized by any such officer, shall be defaced, cut off, or obliterated; and if any such cask, vessel or package shall be sold, removed, delivered or received prior to such defacing, cutting off or obliterating being made, every person concerned in the purchase, sale or delivery, shall forfeit and pay the sum of fifty dollars.

Before sale of emptied casks marks to be defaced.

SEC. 6. *And be it further enacted*, That all stills without heads, or other vessels that shall be used as stills in the distillation of ardent spirits, shall be duly entered by the owner or owners thereof, in the manner prescribed in and by the second section of the act, intituled "An act concerning the duties on spirits distilled within the United States," passed on the eighth day of May, one thousand seven hundred and ninety-two, under the penalty of two hundred and fifty dollars, to be recovered and distributed as other forfeitures under this act, and the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," to which this is an amendment.

Forfeiture on neglect thereof.

In what manner stills shall be entered.

1792, ch. 32.

1791, ch. 15.

SEC. 7. *And be it further enacted*, That any person or persons, who shall counterfeit the certificates for, or the marks or numbers to be set upon any cask, vessel or package containing wines, teas, or foreign or domestic distilled spirits, or upon stills, which the officers of inspection are, or shall be authorized to make thereon, by and in pursuance of the laws concerning the same, or who shall fraudulently rub out or deface, prior to drawing off, or emptying the contents, any marks or numbers set upon any cask or package of wine or tea, in pursuance of law, shall, for every such offence, forfeit and pay the sum of one hundred dollars.

Forfeiture on counterfeiting certificate or marks of casks, &c.

SEC. 8. *And be it further enacted*, That every owner, or worker of

When owners of still shall make oath.

a licensed still, shall be required to make oath or affirmation, previous to any renewal of his license, that he hath not distilled therein, since the commencement of the term specified in such license, excepting only during the term for which it shall have been granted.

What courts to take cognizance of certain actions.

SEC. 9. *And be it further enacted*, That it shall and may be lawful for the judicial courts of the several states, and of the territory of the United States, northwest of the river Ohio, and of the territory of the United States, south of the river Ohio, to take cognizance of all and every suit and suits, action and actions, cause and causes, arising under or out of the laws for collecting a revenue upon spirits distilled in the United States, and upon stills, which may arise or accrue at a greater distance, than fifty miles from the nearest place established by law for holding a district court.

Proceedings in case of non-existence of office of inspection.

1792, ch. 32.

SEC. 10. *And be it further enacted*, That in case of the non-existence of an office of inspection in any county of the United States, every owner or possessor of a still shall make entry thereof in the manner required by the "Act (of the eighth of May, one thousand seven hundred and ninety-two) concerning the duties on spirits distilled within the United States," at some other office of inspection, comprehended in the division or survey, in which the said still shall be; and that it shall and may be lawful for the President of the United States, to provide offices of inspection in special cases, provided the expense thereof shall not exceed ten thousand dollars.

And power of the President herein.

Duty of rectifiers of low wines, &c.

SEC. 11. *And be it further enacted*, That every rectifier of low wines, or other distilled spirits, and every distiller of cordials and strong waters therefrom, shall enter at some office of inspection, all or any such low wines or other distilled spirits, prior to the removal of them to his distillery or rectifying house, and prior to his beginning the rectifying, improving, or altering the quality, flavour, or proof thereof, under the penalty of one hundred dollars for every cask of one hundred gallons, and in the same proportions, for every greater or less quantity.

Under what penalty for neglect thereof.

Supervisors &c. may appoint deputies.

SEC. 12. *And be it further enacted*, That it shall and may be lawful for the supervisors and inspectors of the revenue, at their own expense, to appoint deputies to aid them in the execution of their duties, in cases of occasional and necessary absence, or of sickness, and not otherwise.

President of the U. States to make additional allowance to inspectors, &c. subsequent to June next.

SEC. 13. *And be it further enacted*, That the President of the United States be authorized to make such additional allowances, for the space of one year, and from thence until the end of the next session of Congress, to the inspectors and collectors of revenue from distilled spirits, for their respective services subsequent to the thirtieth day of June next, as he shall deem reasonable and proper, so as that the additions to be made to the said allowances shall not exceed, in the whole, the sums heretofore allowed, by more than one third.

Supervisors and inspectors prohibited from trading in certain merchandise after first of October next.

Under what penalty.

SEC. 14. *And be it further enacted*, That from and after the first day of October next, no supervisor or inspector of the revenue of the United States, shall be concerned or interested in any foreign trade or commerce, in the goods or merchandise, to which the duties of his office relate, or in the sale of any wines, distilled spirits, or teas; and if any such supervisor or inspector shall be so concerned or interested, every such person shall be disqualified from holding such appointment, for the term of seven years, and shall, moreover, forfeit and pay a sum not exceeding one hundred dollars, for every month, which he or they shall be so interested in such foreign trade, or in the sale of such wines, distilled spirits or teas.

Privilege to proprietors of certain stills.

SEC. 15. *And be it further enacted*, That any proprietor of a still, the capacity of which does not exceed one hundred gallons, may be permitted to enter such still, for any term of time less than one year, and not less than one month, paying at the same rate as per month, any thing in any former law to the contrary notwithstanding.

SEC. 16. *And be it further enacted*, That a personal demand of the proprietor or proprietors of any still, of the duties due, or a notice in writing of the amount thereof left at his dwelling by the collector, shall have all the effect of a demand made, as required by the twenty-third section of the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

How collector may demand duties on stills.

1791, ch. 15.

SEC. 17. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall have been incurred by force of any present or future law of the United States for the laying, levying and collecting of any duties or taxes, other than duties on goods, wares and merchandise imported, and on the tonnage of ships and vessels, shall and may be mitigated or remitted, by the like ways and means, and upon and under the like conditions, regulations and restrictions, as are contained, prescribed, authorized and directed, in and by the act, intituled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," touching fines, penalties, and forfeitures incurred or accruing in relation to the cases therein mentioned; which act, and every clause, matter and thing therein contained, shall be of like force and effect, for the mitigating or remitting of fines, penalties and forfeitures, which shall have been incurred in reference to the said other duties and taxes, as if the same were repeated and re-enacted, in the several and respective laws for laying, levying and collecting the said other duties and taxes.

And certain fines, &c. may be mitigated or remitted.

1790, ch. 12.

SEC. 18. *And be it further enacted*, That the judicial courts of the several states, to whom, by this act, a jurisdiction is given, shall and may exercise all and every power, in the cases cognizable before them, for the purpose of obtaining a mitigation or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them: The said state courts first causing reasonable notice to be given to the person or persons claiming such fine, penalty or forfeiture, and to the attorney, who may, under warrant from the attorney of the district, prosecute, for the United States, in such court, that each may have an opportunity of showing cause against the mitigation or remission thereof.

How state judicial courts may obtain mitigation of fines, &c.

SEC. 19. *And be it further enacted*, That the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" and the act, intituled "An act concerning the duties on spirits distilled in the United States," shall extend to, and be in full force, for the recovery and distribution of the penalties and forfeitures herein contained, and, generally, for the execution of this act, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing, therein contained, were inserted in, and re-enacted by this present act, subject only to the alterations hereby made.

Provisions of certain act extended for recovery of penalties, &c. under this.

1791, ch. 15.
1792, ch. 32.

APPROVED, June 5, 1794.

STATUTE I.

CHAP. L.—*An Act in addition to the act for the punishment of certain crimes against the United States.*(a)

June 5, 1794.

SECTION 1. *Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any citizen of the United States shall, within the territory or

Act of April 30, 1790, ch. 9.
Act of April 24, 1800, ch. 35.

(a) Illegal outfit of vessels in the ports of the United States.—Where a vessel had been built in New York, for the purpose of employing her in a war with England, if a war had broken out, and was afterwards sold to a French citizen, who used her as a privateer, the Supreme Court refused to hear counsel

Repealed by Act of April 20, 1818, ch. 53. Punishment on persons accept- jurisdiction of the same, accept and exercise a commission to serve a foreign prince or state in war by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

against the allegation that this was an original construction or outfit of the vessel for the purposes of war. *Moodie v. The Alfred*, 3 Dall. 307; 1 Cond. Rep. 135.

A French privateer had taken out her guns, masts, and sails, which remained on shore until the general repairs were completed, and they were again put on board; after which she sailed on a cruise, and captured a British vessel, which she sent into Charleston. On a claim of restitution on the ground that the vessel had been originally fitted out in the United States, in a neutral port, the court decided that the mere replacement of her force could not be considered as an augmentation; even if an augmentation of force should be considered a cause for restoration. *Moodie v. The sloop Phebe Ann*, 3 Dall. 319; 1 Cond. Rep. 139.

A neutral nation may, if so disposed, without a breach of her neutrality, grant permission to both belligerents to equip their vessels of war within her territories. But without such permission, the subjects of such belligerent powers have no right to equip vessels of war, or to augment their force, either with arms or men, within the neutral territory. *The Alerta v. Blas Moran*, 9 Cranch, 359; 3 Cond. Rep. 425.

Such unauthorized acts violate the sovereignty of a neutral nation. All captures made by such equipments are illegal in respect to such nation, and it is competent for her courts to punish the offenders; and if prizes are brought within their jurisdiction, to order and cause them to be restored. *Ibid.*

It is immaterial whether the persons taken on board at the neutral port were native American citizens or foreigners domiciled in the United States. Neither the law of nations, nor the act of Congress recognizes any distinction, except to the subjects of the state in whose service they were enlisted transiently in the United States. *Ibid.*

An augmentation of force, affects only captures made during the original cruise. The offence terminates at the end of the voyage, and does not affect subsequent transactions. But as to captures made during the same cruise, the doctrine has been long established, that such illegal augmentation of force is a violation of the law of nations, as well as of our own municipal laws; and as a violation of our neutrality, it affects the captures subsequently made with the character of torts; and justifies and requires a restitution of the property to such persons as have been injured by such misconduct. *The Santissima Trinidad*, 7 Wheat. 283; 5 Cond. Rep. 284.

The practice is now fully established, that prizes made by vessels which have violated the acts of Congress enacted for the preservation of the neutrality of the United States, if brought within her territory shall be restored. *The Gran Para*, 7 Wheat. 471; 5 Cond. Rep. 328.

It has never been held that the offence adheres to the vessel under whatever change takes place; nor that it does not terminate when the voyage, for which the illegal outfit was made, shall have ended. But if this termination was merely colourable, and the vessel was equipped with the intention of being employed on the cruise during which the capture was made, the violation is not purged. *Ibid.*

Property belonging to a friendly power, captured on the high seas by a privateer, armed and fitted out by citizens of the United States, in the waters of the United States, as a vessel of war, and commanded by a citizen of the United States, is illegally captured; and must be restored to its owner, if brought within our jurisdiction. *The Fanny*, 9 Wheat. 658; 5 Cond. Rep. 722.

A French privateer fitted out in the United States, and commissioned as a privateer by the French minister residing in the United States, being proscribed by the President of the United States, dismantled and sold in Charleston, was afterwards fitted out for war in a foreign port, and was commissioned by France. Captures made by her are not illegal, and are no violation of the neutrality of the United States. *Williamson v. The Betsey*, Bee's Admiralty Decisions, 67.

The laws of neutrality and nations do not, in any case, interdict vessels from going to sea armed and fitted for defensive war. Bee's Adm. Decisions, 69.

It is a violation of the act of June 5, 1794, to concert an expedition from the United States to commit hostilities against a power at peace with the United States; and it is unimportant that such expedition originated beyond seas, if carried on from this country. It is unimportant whether the persons engaged in such a purpose, engage the whole vessel to themselves, or depart as passengers. 1 *Peters's C. R.* 487.

The previous knowledge or approbation of the President of the United States, of the illegal act of a citizen, can afford him no justification of the breach of a constitutional law. *Trial of Smith and Ogden*, 237.

To bring a case within the 5th section of the act of June 5, 1794, made perpetual by the act of April 24, 1800, prohibiting any person within the territory or jurisdiction of the United States from providing or preparing the means of a military expedition or enterprise to be carried on from thence, against the territory or dominions of any foreign prince or state, with whom the United States are at peace, it is immaterial whether or not the vessel, at the identical time of sailing, is in complete readiness for hostile engagement. If the vessel sailed with the means or intent to carry it on, such an enterprise is within the act. *Ibid.*

Indictment under the 3d section of the act for the punishment of certain crimes against the United States, passed April 20, 1818. The indictment charged the defendant with being knowingly concerned in fitting out in the port of Baltimore, a vessel with intent to employ her in the service of a "foreign people," "The United Provinces of Buenos Ayres," against the subjects of the emperor of Brazil, with whom the United States were at peace. The vessel went from Baltimore to St. Thomas, and was there fully armed. She afterwards cruised under the Buenos Ayrean flag. Held:—To bring the defendant within the words of the act, it is not necessary to charge him with being concerned in fitting out and arming the vessel. The words are, fitting out or arming; either will constitute the offence. It is sufficient if the indictment charges the offence in the words of the act. *The United States v. John B. Quincy*, 6 *Peters*, 445.

The law does not prohibit armed vessels, belonging to citizens of the United States, from sailing out of our ports. It only requires the owner of such vessels to give security, that such vessels shall not be employed by them to commit hostilities against a foreign power at peace with the United States. *Ibid.*

SEC. 2. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince or state as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years. *Provided,* That this shall not be construed to extend to any subject or citizen of a foreign prince or state who shall transiently be within the United States and shall on board of any vessel of war, letter of marque or privateer, which at the time of its arrival within the United States was fitted and equipped as such, enlist or enter himself or hire or retain another subject or citizen of the same foreign prince or state, who is transiently within the United States, to enlist or enter himself to serve such prince or state on board such vessel of war, letter of marque or privateer, if the United States shall then be at peace with such prince or state. *And provided further,* That if any person so enlisted shall within thirty days after such enlistment voluntarily discover upon oath to some justice of the peace or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offence; such person so discovering the offender or offenders shall be indemnified from the penalty prescribed by this act.

SEC. 3. *And be it further enacted and declared,* That if any person shall within any of the ports, harbors, bays, rivers or other waters of the United States, fit out and arm or attempt to fit out and arm or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of any foreign prince or state to cruise or commit hostilities upon the subjects, citizens or property of another foreign prince or state with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, every such person so offending shall upon conviction be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as the fine to be imposed shall in no case be more than five thousand dollars and the term of imprisonment shall not exceed three years, and every such ship or vessel with her tackle, apparel and furniture together with all materials, arms, ammunition and stores which may have been procured for the building and equipment thereof shall be forfeited, one half to the use of any person who shall give information of the offence, and the other half to the use of the United States.

SEC. 4. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship of war, cruiser or other armed vessel which at the time of her arrival within the United States, was a ship of war, cruiser or armed vessel in the service of a foreign prince or state or belonging to the subjects or citizens of such prince or state the same being at war with another foreign prince or state with whom the United States are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall upon conviction be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

ing certain commissions.

On enlisting, &c. to go beyond jurisdiction of United States.

Proviso.

Punishment on fitting out ships of war or issuing certain commissions.

1797, ch. 1.

On increasing or augmenting force of any ship, &c.

Punishment of persons setting on foot certain expeditions.

SEC. 5. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States begin or set on foot or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state with whom the United States are at peace, every such person so offending shall upon conviction be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed three thousand dollars nor the term of imprisonment be more than three years.

District courts to take cognizance of certain captures.

SEC. 6. *And be it further enacted and declared,* That the district courts shall take cognizance of complaints by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

Power of the President of the United States herein.

SEC. 7. *And be it further enacted and declared,* That in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out or armed, or in which the force of any vessel of war, cruiser or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as above defined, and in every case in which any process issuing out of any court of the United States, shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser or other armed vessel of any foreign prince or state, or of the subjects or citizens of such prince or state, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof as shall be judged necessary for the purpose of taking possession of, and detaining any such ship or vessel, with her prize or prizes if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign prince or state, with whom the United States are at peace.

SEC. 8. *And be it further enacted and declared,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States, in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

Prosecution of treason not to be impaired.

SEC. 9. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

Continued by act of 1800, ch. 35.

SEC. 10. *And be it further enacted,* That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

CHAP. LI.—*An Act laying certain duties upon Snuff and Refined Sugar.*

Act of March 3, 1795, ch. 43.

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 thirtieth day of September next, there be levied, collected and paid, upon all snuff, which, after that day, shall be manufactured for

sale, within the United States, at any manufactory, for every pound of snuff, eight cents.

SEC. 2. *And be it further enacted,* That from and after the said thirtieth day of September next, there be levied, collected and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound.

SEC. 3. *And be it further enacted,* That the duties aforesaid shall be levied, collected and accounted for, by the same officers as are provided by the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" subject to the superintendence and control of the department of the treasury, according to the respective authorities and duties of the officers thereof.

SEC. 4. *And be it further enacted,* That every manufacturer of snuff, who shall be such previous to, and on the thirtieth day of September next, shall, on the said day; and every manufacturer of snuff who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business or trade of manufacturing snuff for sale, make true and exact entry and report in writing, at the office of inspection, which shall be nearest to the house or building where he or she shall carry on, or intend to carry on, the business or trade aforesaid, of every house or building where such business or trade shall be by him or her carried on, or intended so to be, and of every mill, specifying the number of mortars to each, which he or she shall have or keep therein, for the performing of any process, operation, matter or thing in or about the manufacturing of snuff, and shall also give bond in the sum of five thousand dollars, with condition, that he or she shall, and will, from day to day, enter in a book, or on a paper to be kept for that purpose, all snuff, which he or she shall manufacture, or cause to be manufactured, and of the quantities, from day to day, by him or her sent out, or caused to be sent out of the house or building, where the same shall have been manufactured; and shall and will, on the first day of January, April, July and October, in each year, render a just and true account of all the snuff which he or she shall have manufactured or made, and sent out, or caused or procured to be manufactured or made and sent out, first from the time of his or her entry and report aforesaid, until the day which shall first ensue, of the days abovementioned for the rendering of such account, and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter, of the days abovementioned for the rendering of such account; producing therewith the original book or paper whereon the entries, from day to day to be made, as aforesaid, have been made, and shall, at the time of rendering each account, pay or secure the duties, which, by this act, ought to be paid upon the snuff, in the said account mentioned and stated: And if any such manufacturer shall omit to make any such entry or report, or to give any such bond as is herein before directed, he or she shall forfeit and lose every mill, together with the mortars and other utensils thereto belonging, which he or she shall have or keep, for the performing of any process, matter or thing, in or about the manufacturing of snuff, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 5. *And be it further enacted,* That every refiner of sugar, who shall be such, immediately before, and on the thirtieth day of September next, shall, on the said day, and every refiner of sugar, who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business of refining sugar, make true and exact entry and report in writing, at the office of inspection, which

Duties on snuff after 30th September.
On refined sugars.

By whom collected.

1791, ch. 15.

Duty of manufacturers of snuff herein.

Forfeiture on neglect thereof.

Duty of sugar refiners.

Duty of sugar refiners.

shall be nearest to the house or building where he or she shall carry on, or intend to carry on, the said business, of every house or building, where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, together with the capacity of each, which he shall have, or employ, for the purpose of refining sugar, and shall also give bond in the sum of five thousand dollars, with condition, that he or she shall and will enter or cause to be entered, in a book or paper to be kept for that purpose, all sugar which he or she shall refine, or cause to be refined, and of the quantities, from day to day, by him or her sent out or caused to be sent out, of the house or building where the same shall have been refined, and shall, on the first day of January, April, July and October, in each year, render a just and true account of all the refined sugar, which he or she shall have sent out, or caused or procured to be sent out, from the first time of his or her entry and report aforesaid, until the day, which shall first ensue, of the days above mentioned, for the rendering of such account; and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter of the days above mentioned for the rendering of such account, producing and showing therewith, the original book or paper, whereon the entries, from day to day, to be made, as aforesaid, have been made; and he or she shall, at the time of rendering each account, pay or secure the duties, which by this act ought to be paid upon the refined sugar in the said account mentioned. And if any such refiner shall omit to make any such entry or report, he or she shall forfeit and lose every pan or boiler, which he or she shall have, and use, for the purpose of refining sugar, and shall also forfeit the sum of five hundred dollars, to be recovered with costs of suit.

Forfeiture on neglect thereof.

Manufacturers of snuff annually to make oath, &c.

SEC. 6. *And be it further enacted,* That every such manufacturer of snuff shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts, which have been by him or her rendered of the quantities of snuff by him or her manufactured or made, and sent out, or caused or procured to be manufactured or made, and sent out, have been and are just and true.

Of quantity manufactured.

Refiners of sugar to make oath annually, &c.

SEC. 7. *And be it further enacted,* That every refiner of sugar shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts, which have been by him or her rendered, of the quantities of refined sugar by him or her sent out of the house or building, where the same shall have been manufactured, or procured or caused so to be sent out, have been just and true.

Persons swearing falsely deemed guilty of wilful perjury.

SEC. 8. *And be it further enacted,* That if any person shall knowingly, and with design, falsely swear or affirm, touching any of the matters herein before required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury.

Manufacturers of snuff and refiners of sugar when to report engines, &c.

SEC. 9. *And be it further enacted,* That every manufacturer of snuff and every refiner of sugar, shall, at each time of rendering an account, as herein before required, make a true and particular report of the engines, implements and utensils, of the several descriptions herein before mentioned, which he or she, at any time since that of rendering his or her last account, hath used or kept, and shall then have, use, or keep, for carrying on his or her trade or business, on pain of forfeiting, for each and every neglect or omission, all such engines, implements and utensils, together with the sum of five hundred dollars, to be recovered with costs of suit.

Forfeiture of snuff and sugar on neglecting to pay duties.

SEC. 10. *And be it further enacted,* That all snuff and refined sugar, which shall have been manufactured or made within the United States in manner aforesaid, after the said thirtieth day of September next, whereof

the duties aforesaid have not been duly paid or secured, according to the true intent and meaning of this act, shall, upon default being made in the paying or securing of the said duties, be forfeited, and shall and may be seized, as forfeited, by any officer of the inspection or of the customs.

SEC. 11. *And be it further enacted*, That it shall be lawful for every such manufacturer of snuff, or refiner of sugar, at his or her option, either to pay, upon the rendering of his or her account as aforesaid, the duties, which shall thereby appear to be due and payable, with a deduction or abatement of six per cent. for prompt payment, or to give bond, with one or more sureties to the satisfaction of the officer of inspection, to whom such account shall be rendered, for the payment of the said duties, at the expiration of nine months thereafter: *Provided*, That no person, whose bond for any of the said duties shall remain unpaid, beyond the term allowed for the payment thereof, shall be entitled to future credit for any of the said duties, so long as such bond shall remain unpaid.

How the duties may be paid.

SEC. 12. *And be it further enacted*, That from and after the said thirtieth day of September next, there shall be levied, collected and paid (in addition to the duties now payable thereupon) upon all manufactured tobacco or snuff, and upon all refined sugar, which, after the said day, shall be imported into the United States, from any foreign port or place, the following rates and duties, to wit:

Duties on imported snuff, tobacco and refined sugar.

Upon tobacco, four cents per pound:

Upon snuff, twelve cents per pound:

Upon refined sugar, four cents per pound:

Which duties shall be collected in the same manner, by the same officers, under the like regulations, and subject to the like pains, penalties and forfeitures, as now are collected the duties heretofore laid upon the said articles, respectively; the act and acts concerning which are hereby declared to be, and shall be in as full force, for the collection of the additional duties hereby laid, as if the said act and acts were herein particularly recited and repeated.

By whom collected.

SEC. 13. *And be it further enacted*, That from and after the thirty-first day of December next, no refined loaf or lump sugar shall be imported into the United States, from any foreign port or place, except in ships or vessels of the burthen of one hundred and twenty tons and upwards, and in casks or packages containing, each, not less than six hundred pounds, on pain of forfeiting the said ships, or vessels, and the loaf and lump sugar imported therein, except in such casks or packages, as aforesaid.

After 31st December how and in what vessels refined sugar shall be imported.

SEC. 14. *And be it further enacted*, That from and after the thirtieth day of September next, no drawback of the duties upon any manufactured tobacco, or snuff or refined sugar, which shall have been imported into the United States, from any foreign port or place, shall be allowed, but the duties hereby laid upon snuff manufactured within the United States, and sugar refined within the same, shall and may be drawn back upon all such of the said snuff manufactured within the United States, and upon all such of the said sugar, refined within the United States, after the said thirtieth day of September next, which, after the said day, shall be exported from the United States, to any foreign port or place: And adding to the drawback upon sugar so exported, three cents per pound, on account of duties paid upon the importation of raw sugar. *Provided*, That no drawback shall be allowed on the exportation of either of the said articles in any instance, where the same shall amount to less than twelve dollars.

After 30th September no drawback allowed on manufactured or refined sugar imported.

Allowance on said articles exported.

SEC. 15. *And be it further enacted*, That in order to entitle the exporter or exporters to the benefit of the said allowances, he, she, or they shall, previous to the putting or lading any of the said snuff or refined

Notice to be given by exporters.

To officers of inspection.

sugar on board of any ship or vessel for exportation, give six hours' notice at the least to the proper office, of inspection of the port from which the said snuff or sugar shall be intended to be exported, of his, her, or their intention to export the same, and of the number of packages containing the same, and the respective marks thereof, and the place or places where deposited, and of the place to which, and ship or vessel in which, they or either of them shall be so intended to be exported. Whereupon, it shall be the duty of the said officer to inspect, by himself or deputy, the packages so notified for exportation, and the same, after such inspection, shall be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer or his deputy, who shall have inspected the same; which officer, after the same shall have been so laden on board, shall certify to the collector of the district the quantity and particulars of the article or articles so laden for exportation.

Under what restrictions said allowance to be made.

SEC. 16. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath or affirmation, that the said snuff or sugar so noticed for exportation and laden on board such ship or vessel, are truly intended to be exported to the place, whereof notice shall have been given, and are not intended to be relanded within the United States, and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid or secured to be paid; and shall also give bond to the collector, with two sureties one of whom shall be the master, or other person having the command or charge of the ship or vessel, in which the said snuff or sugar shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value in the judgment of the said collector, of the said snuff or sugar so intended to be exported, with condition that the said snuff or sugar (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the United States, and that the said snuff or sugar shall not be unshipped from on board of the said ship or vessel whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States, or relanded in any other part of the same (shipwreck or other unavoidable accident excepted).

When said allowance shall be paid.

SEC. 17. *Provided also, and be it further enacted*, That the said allowance shall not be paid until nine months after the said snuff or sugar shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which, any such snuff or sugar are laden for exportation, shall make known to the collector previous to the departure of such ship or vessel, from the port where such snuff or sugar are laden, that such ship or vessel is not going to proceed on the voyage intended, or the voyage is altered, it shall be lawful for the collector to grant a permit for relanding the same.

Duty of exporters herein.

SEC. 18. *And be it further enacted*, That if any of the said snuff or sugar, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be relanded within the United States, from on board the ship or vessel, wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be, at the time such necessity or distress shall arise, then not only the snuff or sugar so unshipped, together with the casks, vessels and cases containing the same, but also the ship or vessel, in, or on board which, the same shall have been so shipped or laden, together with

the guns, furniture, ammunition, tackle and apparel, and also the ship, vessel or boat, into which the said snuff or sugar shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs or of inspection.

Forfeiture on neglect thereof.

SEC. 19. *And be it further enacted*, That the bonds to be given, as aforesaid, shall, and may be discharged, by producing, within one year from the respective dates thereof (if the same shall be shipped to any part of Europe or America, and within two years, if shipped to any part of Asia or Africa; and if the delivery of the snuff or sugar, in respect to which the same shall have been given, be at any place, where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no consul or agent, then a certificate of any two known and reputable American merchants residing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said snuff or sugar, at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel, in which the said snuff or sugar shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent enquiry, to be found two merchants of the United States at the said place: *Provided always*, That in case of death, the oath or affirmation of the party dying, shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place, of the said delivery, and certified under his hand and seal, shall be of the same validity, as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be discharged, upon proof that the snuff or sugar, so exported, were taken by enemies, or perished in the sea, or destroyed by fire: The examination and proof of the same, being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such snuff or sugar shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such snuff or sugar shall nevertheless be permitted to offer such other proof as to the delivery of the said snuff or sugar, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed shall amount to one hundred dollars or upwards: In all which cases, the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

Bonds to be given, how discharged.

Proceedings to be had for discharging bonds.

Proviso.

SEC. 20. *And be it further enacted*, That it shall be lawful to export, directly from any manufactory of snuff or of refined sugar, to any foreign port or place, any snuff or refined sugar, which shall have been manufactured at such manufactory, after the said thirtieth day of September next, free from duty: *Provided*, That the same proceedings be had, in all respects, in order thereto, which are herein before prescribed, in order to the obtaining the benefit of the drawbacks of the duties which have been paid, or secured, upon any snuff or sugar, exported to a foreign port or place.

When and in what manner snuff and sugar may be exported directly, &c.

SEC. 21. *And be it further enacted*, That all penalties and forfeitures, which shall be incurred, pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter or thing, whereby any of the said penalties or forfeitures shall have been incurred.

Distribution of penalties, &c. under this act.

Limitation of
this act.

SEC. 22. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence till the end of the next session of Congress, and no longer.

APPROVED, June 5, 1794.

STATUTE I.

June 7, 1794.

CHAP. LII.—*An Act in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States."*

[Obsolete.]
Allowance to
widows and or-
phans of officers
dying in service,
1792, ch. 9,
1802, ch. 9,
sec. 14, 15.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any commissioned officer in the troops of the United States shall, while in the service of the United States, die by reason of wounds received in actual service of the United States, and shall leave a widow, or if no widow, shall leave a child or children, under age, such widow, or if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay, to which the deceased was entitled at the time of his death, for and during the term of five years: And in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years, and, in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid. *Provided*, That no greater sum shall be allowed in any case, to the widow or to the child or children of any officer, than the half pay of a lieutenant colonel.

Army how
paid in future.

SEC. 2. *And be it further enacted*, That the army be in future paid in such manner that the arrears shall at no time exceed two months.

President of
United States
may increase ra-
tions of certain
troops.

SEC. 3. *And be it further enacted*, That to such of the troops as are or may be employed on the frontiers, and under such special circumstances as in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of beef, two ounces of flour and half a gill of rum or whiskey in addition to each ration, and half a pint of salt to one hundred rations.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

CHAP. LIII.—*An Act for the remission of the duties on certain distilled spirits destroyed by fire.*

Remission of
certain duties to
Jabez Rogers.

WHEREAS Jabez Rogers, junior, who had erected large works at Middlebury, in the state of Vermont, for distilling spirits from the produce of the country, has had the same twice destroyed by fire with a quantity of spirits therein, on which, by law, duties had become payable to the United States: *And whereas*, considering the equity of the case, said duties ought to be remitted; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties payable to the United States on all such distilled spirits, as shall be proved, to the satisfaction of the supervisor of the district of Vermont, to have been destroyed by fire in the distilleries lately burnt at Middlebury in the state of Vermont, be and are hereby remitted.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

CHAP. LIV.—*An Act laying additional Duties on Goods, Wares and Merchandise imported into the United States.*

[Obsolete.]
1795, ch. 45.

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 last day of June instant, there shall be levied, collected and paid upon the following articles imported into the United States, in ships or vessels of the United States, the several duties herein after mentioned, over and above the duties now payable by law;—viz :

Additional duties on certain articles imported in vessels of United States after 30th June inst.

- On coffee, clayed or lump sugar, per pound, one cent.
- On cocoa, per pound, two cents.
- On cheese, per pound, three cents.
- On boots, per pair, twenty-five cents.
- On shoes and slippers for men and women, and on clogs and golo-shoes, per pair, five cents.
- On shoes and slippers for children, per pair, three cents.
- On coal, per bushel, one half a cent.

Five per cent. ad valorem.

On millinery ready made, artificial flowers, feathers and other ornaments for women's head-dresses, and on dolls dressed and undressed.

Duties five per cent. ad valorem.

On cast, slit, and rolled iron, and generally, on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vises excepted.)

On carpets and carpeting.

On leather tanned or tawed, and generally, all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated.

On medicinal drugs, except those commonly used in dyeing.

On mats and floor cloths.

On hats, caps, and bonnets of every sort.

On gloves, mittens, stockings, fans, buttons and buckles of every kind.

On sheathing and cartridge paper.

On all powders, pastes, ball, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations, or compositions, commonly called sweet scents or odours, perfumes or cosmetics, and on all dentifrice, powders or preparations for the teeth or gums.

On gold, silver, or plated wares, gold and silver lace, jewellery and paste work, clocks and watches, and the parts of either.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, prunes, raisins, sugar candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour.

On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally on all glass, except window glass, and on all stone, and earthen ware.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value.

On all manufactures of cotton or linen, or of muslins; of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained or coloured.

On carriages, and parts of carriages, four and a half per cent. ad valorem.

Sec. 2. *And be it further enacted,* That after the said last day of June instant, there shall be laid, levied and collected, in addition to the present duty thereupon, a duty of two and a half per cent. ad valorem, upon all goods, wares and merchandise, which, if imported in ships or vessels of the United States, are now chargeable, by law, with a duty of seven and a half per cent. ad valorem.

Sec. 3. *And be it further enacted,* That the fourth section of the act, intituled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," whereby an additional duty of two and a half per cent. ad valorem, was laid upon

4th section of certain act continued to 1st January 1797.
1793, ch. 27.

certain goods, wares and merchandise, be, and the same is hereby continued in force, until the first day of January, one thousand seven hundred and ninety-seven.

Additional duty on said articles brought in foreign vessels.

SEC. 4. *And be it further enacted*, That an addition of ten per centum, shall be made, to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandise, which, after the said last day of June instant, shall be imported in ships or vessels, not of the United States.

When duties on goods, wares &c. shall be returned.

1800, ch. 64.

Except one per cent.

SEC. 5. *And be it further enacted*, That all duties, which shall be paid, or secured to be paid, by virtue of this act, shall be returned or discharged, in respect to all such goods, wares or merchandise, whereupon they shall have been so paid or secured to be paid, as within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained, as an indemnification for whatever expense may have accrued concerning the same.

Certain act in force as to collection of duties under this.

1790, ch. 35.

1794, ch. 33.

SEC. 6. *And be it further enacted*, That 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," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter and thing, therein contained, had been herein inserted and re-enacted.

This act not to affect certain other act.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to extend to, or affect the act, intituled "An act prohibiting for a limited time the exportation of arms and ammunition, and encouraging the importation of the same."

Limitation of this act.

Continued, 1793, ch. 45.

SEC. 8. *And be it further enacted*, That this act shall continue in force until the first day of January, one thousand seven hundred and ninety-seven, and no longer.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

[Obsolete.]

Additional allowance for one year to the principal Clerks.

CHAP. LV.—*An Act allowing an additional compensation to the principal Clerks in the Department of State, and the Treasury and War Departments, for the year one thousand seven hundred and ninety-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the compensations established by law there be allowed, for the present year, the further sum of two hundred dollars to each of the principal clerks employed in the department of State and in the Treasury and War departments, and that the same be paid in the manner and at the times their respective salaries are payable by law.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

[Obsolete.]

Secretary at War to place certain persons on pension list.

1793, ch. 17.

CHAP. LVII.—*An Act concerning Invalids.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the War department be, and he is hereby directed to place upon the list of invalid pensioners of the United States, all persons who have been returned as such by the judges of the several districts under the act of Congress of the twenty-eighth of February, one thousand seven hundred and ninety-three, intituled "An act to regulate the claims to invalid pensions," and who by legal proofs, are by him found to come clearly within the provisions of the said act, and are reported as having complete evidence of their claims in the report of the said secretary upon

that subject, made to Congress the twenty-fifth day of April, one thousand seven hundred and ninety-four; and all persons placed by virtue of this act on the list of invalid pensioners, shall receive such sums as the returns of the district judges have respectively specified, and be paid, in the same manner as invalid pensioners are paid, who have been heretofore placed on the list: *Provided*, That every commissioned officer, who shall, by virtue of this act, be placed on the pension list, as entitled to a sum less than a full pension, shall receive such pension, only upon compliance with the same rule respecting a return of the commutation which he may have received, as is provided for in the case of Captain David Cook, by an act of Congress passed December the sixteenth, one thousand seven hundred and ninety-one.

APPROVED, June 7, 1794.

How paid.

Proviso, as to commissioned officers.

STATUTE I.

CHAP. LVIII.—*An Act supplementary to the act intituled "An act to promote the progress of Useful Arts."*

June 7, 1794.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all suits, actions, process and proceedings, heretofore had in any district court of the United States, under an 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," which may have been set aside, suspended or abated, by reason of the repeal of the said act, may be restored, at the instance of the plaintiff or defendant, within one year from and after the passing of this act, in the said courts, to the same situation, in which they may have been, when they were so set aside, suspended or abated; and that the parties to the said suits, actions, process or proceedings, be, and are hereby intituled to proceed in such cases, as if no such repeal of the act aforesaid had taken place. *Provided always*, That before any order or proceeding, other than that for continuing the same suits, after the reinstating thereof, shall be entered or had, the defendant or plaintiff, as the case may be, against whom the same may have been reinstated, shall be brought into court by summons, attachment or such other proceeding, as is used in other cases, for compelling the appearance of a party.

[Obsolete.]

Suits, &c. had under certain act, revived.
Act of Feb. 21, 1793, ch. 11.
Act of April 10, 1790, ch. 7.

In what manner.

APPROVED, June 7, 1794.

STATUTE I.

CHAP. LIX.—*An Act to continue in force for a limited time, the act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.*

June 7, 1794.

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 supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers," be and the same is hereby continued in force, until the first day of July one thousand seven hundred and ninety-five, so far as the same provides for defraying the necessary expense of supporting lighthouses, beacons, buoys and public piers, and the stakeage of channels on the sea coast.

[Expired.]

Lighthouses, &c. act for supporting, continued.
1793, ch. 27.

APPROVED, June 7, 1794.

CHAP. LXI.—*An Act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth of December one thousand seven hundred and ninety-three, for the appointment of a Health Officer.*

June 9, 1794.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be and is hereby granted and declared, to the

[Obsolete.]

Consent of Congress to certain act of Maryland.

operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer, for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent. per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in the said act intended.

Limitation of
this act.
1796, ch. 23.

SEC. 2. *And be it further enacted*, That this act shall continue in force to the end of the next session of Congress, and no longer.

APPROVED, JUNE 9, 1794.

STATUTE I.

June 9, 1794.

CHAP. LXII.—*An Act to amend the act intituled "An act to enable the officers and soldiers of the Virginia line on Continental Establishment, to obtain titles to certain Lands lying northwest of the river Ohio, between the Little Miami and Sciota.*

1790, ch. 40.
Officers and
soldiers of Vir-
ginia line, how
to obtain certain
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all and every officer and soldier of the Virginia line on continental establishment, his or their heirs or assigns, entitled to bounty lands on the northwest side of the river Ohio, between the Sciota and Little Miami rivers, by the laws of the state of Virginia, and included in the terms of cession of the said state to the United States, shall, on producing the warrant, or a certified copy thereof, and a certificate under the seal of the office where the said warrants are legally kept, that the same or a part thereof remains unsatisfied, and on producing the survey, agreeably to the laws of Virginia, for the tract or tracts to which he or they may be entitled, as aforesaid, to the Secretary of the department of War, such officer and soldier, his or their heirs or assigns, shall be entitled to, and receive a patent for the same from the President of the United States, any thing in any former law to the contrary notwithstanding. *Provided*, that no letters patent shall be issued for a greater quantity of land than shall appear to remain due on such warrant, and that before the seal of the United States shall be affixed to such letters patent the Secretary of the department of War shall have endorsed thereon that the grantee therein named or the person under whom he claims was originally entitled to such bounty lands, and every such letters patent shall be countersigned by the Secretary of State and a minute of the date thereof, and the name of the grantee shall be entered of record in his office in a book to be specially provided for that purpose.

1812, ch. 68.
To produce
survey to Secre-
tary of War.

And receive
patent from Pre-
sident of United
States.

To be endor-
sed by Secretary
of War.

And counter-
signed by Secre-
tary of State,
&c.

APPROVED, JUNE 9, 1794.

STATUTE I.

June 9, 1794.

CHAP. LXIII.—*An Act making appropriations for certain purposes therein expressed.*

[Obsolete.]
Additional
specific appro-
priations.

1794, ch. 12.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the several purposes herein after specified, the respective sums following, to wit: To defray the expenses which shall be incurred, pursuant to the act, intituled "An act to provide a naval armament," six hundred and eighty-eight thousand eight hundred and eighty-eight dollars, and eighty-two cents: In addition to the sum heretofore granted for the erection of fortifications for the protection of ports and harbors, thirty thousand dollars: For the payment of a sum granted to lieutenant-colonel Touzard, in lieu of his pension for life, three thousand six hundred dollars: For the payment of the salary allowed to the officer who shall be appointed to superintend the receiving, safe keeping and distribution of the military stores of the United States, pursuant to the

act of the second of April last, eight hundred and seventy-five dollars: for the salary of an additional clerk, and office rent, in the department of state, four hundred and eighty-four dollars, and seventy-eight cents: For the payment and subsistence of Captain John Inglis of the North Carolina line, one hundred and eight dollars, and ninety-one cents: To defray the farther contingent expenses of the House of Representatives authorized during the present session, one thousand dollars: For the service of the war department, in addition to the sums heretofore appropriated, the sums following, to wit: To defray the expense of a corps of artillerists and engineers established during the present session, sixty-six thousand four hundred and twenty-nine dollars and eighty-seven cents: For the further protection and defence of the southwestern frontier, two hundred thousand dollars: For the purposes of the act directing a detachment from the militia of the United States, two hundred thousand dollars: For the equipment of galleys or other vessels pursuant to an act of the present session, eighty thousand dollars: For the expense of additional clerk hire in the department of war, seven hundred and fifty dollars: For defraying the contingent expenses of government, to be applied, under the direction of the President of the United States, according to the regulations and provisions provided in respect of a sum of ten thousand dollars heretofore appropriated for the like purpose, twenty thousand dollars—amounting in the whole to one million two hundred and ninety-two thousand one hundred and thirty-seven dollars, and thirty-eight cents: which several sums shall be paid out of the proceeds of such revenues as shall have been provided during the present session of Congress.

1794, ch. 46.

SEC. 2. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States (which is hereby authorized to lend the same), or of any other body or bodies politic, person or persons, any sum not exceeding in the whole, one million of dollars, to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the proceeds of the said revenues.

President of the United States to borrow a sum.

Not exceeding \$1,000,000.

SEC. 3. *Provided always, and be it further enacted*, That there shall be reserved out of the proceeds of the said revenues, a sum sufficient to pay the interest of whatever monies may be borrowed pursuant to the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations;" and such sum is hereby pledged and appropriated for that purpose, according to the terms of the contract or contracts which shall or may be made concerning the said monies. And the faith of the United States is hereby pledged to make such further provision therefor, as may be necessary.

Certain sum to be reserved.

1794, ch. 7.

APPROVED, June 9, 1794.

STATUTE I.

CHAP. LXIV.—*An Act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain courts.*

June 9, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the district judges of the United States be authorized to appoint a commissioner or commissioners, before whom appraisers of ships or vessels, or goods, wares and merchandise, seized for breaches of any law of the United States, may be sworn or affirmed; and that such qualifications made before such commissioner or commissioners, shall be, to all intents and purposes, as effectual, as if the same were taken before the said judges in open court.

[Obsolete.]

District judge to appoint commissioners.

Before whom appraisers of vessels seized may be sworn.

Stated term of certain district courts, changed.

1802, ch. 31.

SEC. 2. *And be it further enacted,* That the stated terms of the district courts of Massachusetts, Pennsylvania, and Georgia, be changed, and that, in future, the said courts in Massachusetts shall be held on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; in Pennsylvania, on the third Mondays in February, May, August and November; and in Georgia, at the times and places following; in the city of Savannah, on the second Tuesdays in February, May and August, and in Augusta, on the second Tuesday in November; and that the circuit court of the district of Delaware hereafter commence on the second Monday in June, instead of the twenty-seventh day of April, any law to the contrary notwithstanding.

N. Carolina divided into three districts.
1797, ch. 27, sec. 2.

Process, &c. where returnable.

Duty of marshal of North Carolina herein.

Effect of process issuing out of either of said districts.

1797, ch. 27, sec. 2.

Process, &c. commenced, where tried.

1797, ch. 27.

Clerk of said district court, his duty herein.

Part of certain act requiring attendance of more than one marshal at supreme court, repealed.

Exception.

District court of Kentucky after 30th Sep-

SEC. 3. *And be it further enacted,* That the state of North Carolina shall be divided into three districts, in which the district court of the said state shall be held at such times and places, as are already ascertained by law, that is to say; the district of Wilmington to include all the counties of the state districts of Morgan, Salisbury, Fayetteville and Wilmington:—the district of Newbern to include all the counties of the state districts of Hillsborough, Halifax and Newbern;—and Edenton to include all the counties of the district of Edenton; and that all process, pleas, actions, suits and other proceedings, originating in the districts, respectively, shall be returnable to the session of said court to be held at the place directed by law, within the same district, where the cause commenced, and there to be kept with the record thereof, until the final end and determination of the same. And to the end that suitors, witnesses and all others concerned, may have notice of this alteration in the said courts, the marshal of the said district of North Carolina is hereby required to make the same known by proclamation, on or before the first day of August next.

SEC. 4. *And be it further enacted,* That any person living within either of the districts aforesaid, who hereafter shall be arrested, by virtue of process issuing out of the court of either of the said districts, other than that in which he shall so reside, shall be discharged therefrom, on his entering his appearance, and giving bail to the action, in the court of the district in which he shall so reside, in like manner, and to the like effect, as if the said process had originally been issued out of the court within the said last mentioned district.

SEC. 5. *And be it further enacted,* That all process, actions, pleas, suits and other proceedings, which have been commenced and returned to the separate several sessions of the district court, at such places appointed by law for holding thereof, shall be tried at the place in each district, where the same were first made returnable.

SEC. 6. *And be it further enacted,* That the clerk of said district court shall, at each of the places aforesaid, keep a distinct docket and record of such business, returnable as aforesaid, or which may be returned to the session to be held at the said places, respectively, at which places of return, the said business shall be finally heard and determined as aforesaid.

SEC. 7. *And be it further enacted,* That so much of the act to establish the judicial courts of the United States, as is, or may be construed to require the attendance of the marshals of all the districts, at the supreme court, shall be, and the same is hereby repealed; and that the said court shall be attended, during its session, by the marshal of the district only, in which the court shall sit, unless the attendance of the marshals of other districts shall be required by special order of the said court.

SEC. 8. *And be it further enacted,* That from and after the last day of September next the district court for the state of Kentucky, shall be

held in the town of Frankfort, any thing in any former act to the contrary notwithstanding.

APPROVED June 9, 1794.

tember, to be held at Frankfort.

STATUTE I.

CHAP. LXV.—*An Act laying duties on property sold at Auction.*

June 9, 1794.

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 thirtieth day of September next, there shall be levied, collected and paid, for the use of the United States, upon all sales by way of auction, as herein after described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one fourth part of a dollar for every hundred dollars of the purchase money arising by sale at auction, of any interest, right or estate in any lands, tenements or hereditaments, and of any utensils in husbandry, and farming stock, ships and vessels, and the sum of one half of a dollar, for every hundred dollars of the purchase money, arising by sale at auction, of all other goods, chattels, rights and credits whatsoever, and at the same rate for any greater or lesser sum, except as herein after excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the monies arising from each and every such sale. *Provided always,* That nothing in this act contained shall extend to any sale or sales by auction, of estates, goods or effects, made pursuant to, or in execution of any rule, order, decree, sentence or judgment of any court of the United States or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators; or made of the produce of the land, upon the land where such produce was raised; or made of any farming utensils, stock or household furniture, by persons removing from the place of their former residence, where the amount of each sale of such farming utensils, stock or household furniture shall not exceed two hundred dollars; or made pursuant to the directions of any law of the United States, or of either of them, touching the collection of any tax or duty; or disposal by auction of public property of the United States or of any state; nor to any such sale or sales by auction, of ships, their tackle, apparel and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

Repealed by Act of April 6, 1802, ch. 19.

Duties on certain sales at auction after 30th September next.

Exceptions.

1800, ch. 19.

SEC. 2. *And be it further enacted,* That no person, after the said thirtieth day of September next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority, continuing in force pursuant to some law of a state, or issued pursuant to the directions of this act, on pain of forfeiting, for every such sale at auction, the sum of four hundred dollars, together with the sums or duties payable by this act upon the estates, goods or effects so sold: *Provided however,* That nothing herein contained, shall be construed to require a license for the sale at auction of any estate, goods, chattels, or other thing, which by this act are exempted from duty.

Auctioneers prohibited without license.

Exception.

SEC. 3. *And be it further enacted,* That every person, who before the said thirtieth day of September next, shall have a license or special authority, pursuant to any law of any state, for exercising the said trade

Duty of auctioneers holding license under any state.

- or business of an auctioneer, shall, before or upon the said day, and every person who, after the said day, shall have such special license or authority, shall within thirty days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the office of inspection nearest to the place where he shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice, the date or commencement of such license, or other special authority, the term for which the same was granted or given, by whom, and by what law of a state, the same was granted or given; and shall also give bond to the United States, in a sum of one thousand five hundred dollars, to be taken by the officer, at whose office the notice aforesaid shall be given, with condition that he will, on the first day of January, April, July and October in each year, while he shall continue to exercise the said trade or business, render to the person or persons, who, on behalf of the United States, shall be authorized to receive the same, a true and particular account in writing, of the monies or sums, for which any estates, goods or effects have been sold, at every sale at auction by him made, and of the several articles, lots and parcels, which shall have been sold, the price of each article, lot or parcel in every such sale, by whom bought, that is to say; first from the date of such bond, until such of the aforesaid days, as shall accrue next thereafter, and thenceforth from the day, to which an account shall have been last rendered, until such of the said days as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business, and also shall pay all such sums of money as shall be due to the United States, upon the said sales, according to the true intent and meaning of this act, which sums he is hereby authorized and directed to retain, out of the produce of each sale made as aforesaid. And a like notice and bond shall be given in like manner, as often as any such license, or special authorities shall have expired and been renewed. And if any person shall, after the said thirtieth day of September next, by virtue or colour of any such license, or special authority, as aforesaid, make any sale or sales at auction, without having given bond, as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license, or special authority, he shall forfeit and pay, for every such sale by him made, the sum of four hundred dollars, together with the sums or duties payable by this act, upon the estates, goods or effects so sold.
- Auctioneers,**
to give bond.
- Penalty on neglecting to give bond.**
- Supervisors to grant licenses.**
- Exceptions.**
- Persons having licenses.**
- SEC. 4.** *And be it further enacted,* That the several supervisors of the revenue may, within their respective districts, and upon request of any person or persons desirous thereof, shall grant licenses, without fee or reward, for a term not exceeding one year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may and shall, from time to time renew: *Provided,* That no such license shall be granted or renewed, until the person or persons requesting the same, shall have become bound to the United States, with one or more sureties to the satisfaction of the supervisor, of whom such license shall be requested, in the sum of one thousand five hundred dollars, with like condition as is herein before prescribed for persons having licenses by virtue of some law of a state: *And provided further,* That no such license shall be granted to carry on the said trade or business, in any city, town or county of any state, in respect to which, provision hath been made by any law of such state, for the allowing and regulating of the said trade and business therein.
- SEC. 5.** *And be it further enacted,* That every person who shall have a license from a supervisor of the revenue, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money, as shall be due and payable upon any

estates, goods or effects by him sold at auction, as aforesaid, according to the true intent and meaning of this act.

SEC. 6. *And be it further enacted,* That the accounts to be rendered and the duties to be, from time to time, paid as aforesaid, by any auctioneer, shall be rendered and paid to the inspector of the revenue within whose survey such auctioneer shall exercise his said trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account, which he shall render before the officer or person, to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation, in default of which, such account shall not be deemed to be duly rendered, according to the condition of the bond of such auctioneer. And to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer to enter, from day to day, as often as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall, at all reasonable times, upon request made, be submitted for examination to the officer of inspection, within whose survey or division such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of five hundred dollars.

Accounts and duties to whom rendered and paid.

Duty of auctioneers as to keeping accounts, &c.

SEC. 7. *And be it further enacted,* That if it shall appear to the satisfaction of the supervisor, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time, to which his said bond shall relate, the same having expired; then, and in every such case, the said supervisor shall cause such bond to be delivered up; but in case no such account shall be delivered, as herein before mentioned, or if it shall appear, that any such account was not truly made, or that the party hath acted in any other respect, contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such supervisor of the revenue, to cause such bond to be prosecuted according to law, and in case of a verdict or judgment against the defendant, he shall afterwards, upon every sale by him of any estates, goods or effects at auction, be liable to all the penalties, which may be incurred by this act, for acting as an auctioneer without license.

When supervisor shall deliver up bonds, or prosecute the same.

SEC. 8. *And be it further enacted,* That if any sale at auction of any lands, tenements or hereditaments, shall be, or become void, by reason of defect of title, the supervisor of the revenue, within whose district such sale shall be, is hereby authorized and required, upon due and sufficient proof of such sale being or becoming void, for the reason aforesaid, to cause to be remitted the duty or duties thereupon otherwise payable according to this act.

Sales of lands, &c. becoming void,

duties thereon to be remitted.

SEC. 9. *And be it further enacted,* That every auctioneer, out of the proceeds of the duties, which he shall retain and pay, as aforesaid, shall be allowed a commission of one per centum, upon the amount thereof, for his trouble in and about the same.

Allowance to auctioneers.

SEC. 10. *And be it further enacted,* That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensations to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and an half per centum of the total amount of the said duties collected.

President of United States to make allowance to officers of inspection under this act.

SEC. 11. *And be it further enacted,* That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he shall suffer the pains and penalties, which by law are prescribed for wilful and corrupt perjury; and, if an

Penalty of swearing falsely, &c.

officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Fines and penalties how sued for and recovered;

and disposed of.

SEC. 12. *And be it further enacted*, That all fines, penalties and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty or forfeiture shall have been incurred. And where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had, before any court of the state holden within the said district, having jurisdiction in like cases.

Limitation of this act.
Continued,
1795, ch. 45.

SEC. 13. *And be it further enacted*, That this act shall continue and be in force, for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, June 9, 1794.

March 20, 1794.

RESOLUTIONS.

[Obsolete.]
President of United States to employ Revenue Cutters as dispatch boats.

I. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to employ, as dispatch boats, such of the revenue cutters of the United States, as the public exigencies may require.

APPROVED, March 20, 1794.

March 26, 1794.

[Obsolete.]
An embargo laid on all ships and vessels for thirty days.

II. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That an embargo be laid on all ships and vessels in the ports of the United States, whether already cleared out, or not, bound to any foreign port or place, for the term of thirty days; and that no clearances be furnished, during that time, to any ship or vessel bound to such foreign port or place, except ships or vessels, under the immediate directions of the President of the United States: And that the President of the United States be authorized to give such instructions to the revenue officers of the United States, as shall appear best adapted for carrying the said resolution into full effect.

APPROVED, March 26, 1794.

April 2, 1794.

[Obsolete.]
Vessels sailing during the embargo to give bond to reland their cargoes in the U. States.

III. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That during the continuance of the present embargo, no registered vessel, having on board goods, wares or merchandise, shall be allowed to depart from one port of the United States to any other port within the same, unless the master, owner, consignee or factor shall first give bond with one or more sureties, to the collector of the district from which she is about to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares or merchandise shall be relanded in some port of the United States: which bond, and also a certificate from the collector of the district, where the same may be relanded, shall by the collectors, respectively, be transmitted to the Secretary of the Treasury. That the several collectors be prohibited from granting a clearance to any foreign ship or vessel, in any case whatever, during the continuance of the present embargo; and all

Foreign armed vessels not sub-

armed vessels, possessing public commissions from any foreign power, (letters of marque excepted) are to be considered as not liable to the embargo.

APPROVED, April 2, 1794.

ject to the embargo.

April 18, 1794.

IV. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the present embargo be continued, and every regulation concerning the same shall be in full force until the twenty-fifth day of May next.

APPROVED, April 18, 1794.

[Obsolete.]
Embargo continued.

May 7, 1794.

V. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to direct clearances to be granted to any ship or vessels belonging to citizens of the United States, which are now loaded, bound from any port in the United States, for any port beyond the Cape of Good Hope; any thing in the resolution for laying the embargo, to the contrary notwithstanding: *Provided*, That before the collector of either of the districts of the United States shall grant clearances, or any such vessel shall sail, the owners thereof shall give sufficient security to the satisfaction of such collector, that she shall not unlade her cargo, or any part thereof, at any port or place, previous to her arrival at the Cape of Good Hope.

APPROVED, May 7, 1794.

[Obsolete.]
Clearances for vessels bound beyond the Cape of Good Hope to be granted during the embargo.

June 9, 1794.

VI. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary for the department of War be, and he is hereby directed to make out an exact list, of the names of each person, returned to him as invalid pensioners, by the judges of the circuit courts of the United States, (signing themselves as commissioners,) under the act of Congress, passed the twenty-third of March, one thousand seven hundred and ninety-two, intituled "An act to provide for the settlement of claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," and return to the judge of each district, one copy of such list, stating particularly the district from which each person was returned, and that all are by Congress directed not to be entered on the pension list. And the said secretary is further directed to return to each district judge, a list of the names of all such persons, as have been returned as invalid pensioners by the district judges, under the act of Congress, passed the twenty-eighth of February, one thousand seven hundred and ninety-three, intituled "An act to regulate claims to invalid pensions;" distinguishing those who have been placed on the pension list; and those who have not been placed on the same, by reason of their testimony being incomplete, stating, particularly, the legal requisite or requisites, wanting in the evidence of each; and naming such of them, whose evidence of leaving service is not lodged in his office. And the judges of the several district courts, upon receipt of the above described lists and statements, from the Secretary for the department of War, are hereby directed forthwith to publish the same, in one or more of the newspapers published in their respective districts, adding to such publication, the time when the act regulating the claims to invalid pensions expires.

APPROVED, June 9, 1794.

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[Obsolete.]
Relating to invalid pensioners.

1792, ch. 11.

1793, ch. 17.

1794, ch. 57.

June 9, 1794.

Copies of the Table of Fees in the State Courts to be sent to the Attorney General.

VII. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the respective clerks of the several district courts in the United States, to return true copies of the tables of fees payable in the supreme or superior courts of the state in which such clerk resides, to the Attorney General of the United States, on or before the fifth day of December next.

APPROVED, June 9, 1794.

1794.

Amendment of the Constitution to prevent suits against states.

VIII. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring*, That the following article be proposed to the legislatures of the several states, as an amendment to the constitution of the United States; which when ratified by three-fourths of the said legislatures shall be valid as part of the said constitution, viz:

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state.