

ACTS OF THE FOURTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the fifth day of December, 1796, and ended on the third of March, 1797.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; WILLIAM BINGHAM, President of the Senate pro tempore, from March 2d, 1797; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE II.

Dec. 21, 1796.

[Obsolete.]

Act of March 3, 1796, ch. 50.
Acts of present session, how published.

CHAPTER I.—*An Act to amend the act intituled "An act for the more general promulgation of the Laws of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the department of State shall cause to be included in the edition of the laws of the United States, directed to be printed by the said act, the laws of the United States which may be passed during the present session of Congress: *Provided*, the same can be done at an expense which he shall judge reasonable.

APPROVED, December 21, 1796.

STATUTE II.

Jan. 31, 1797.

CHAP. II.—*An Act giving effect to the Laws of the United States, within the State of Tennessee.*

Act of June 1, 1796, ch. 47.
Act of Feb. 19, 1799, ch. 8.

Laws to extend to Tennessee.

Ante, p. 73.

District courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Tennessee, as elsewhere within the United States.

And to the end, that the act, intituled "An act to establish the judicial courts of the United States," may be duly administered within the state of Tennessee,

SEC. 2. *Be it enacted,* That the said state shall be one district, to be denominated Tennessee district, and there shall be a district court therein, to consist of one judge, who shall reside in the said district, and be called a district judge, and annually hold four sessions; the first to commence on the first Monday in April next, and the three other sessions progressively, on the like Mondays of every three calendar months afterwards. The said district courts shall be held alternately at Knoxville and Nashville, beginning at Nashville. And the said judge shall, in all things, have and exercise the same jurisdiction and powers, which by law are given to the judge of the district of Kentucky.

SEC. 3. *And be it enacted,* That there shall be allowed to the judge of the said district court, the yearly compensation of eight hundred dollars, to commence from the date of his appointment, to be paid quarterly at the treasury of the United States.

And to the end, that the laws providing for the collection of the duties

Salary of the judge.
1802, ch. 31, sec. 12.

imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels, may be carried into effect, in the said state of Tennessee.

SEC. 4. *Be it further enacted*, That for the due collection of the said duties, the said state of Tennessee shall be one district, and a collector shall be appointed to reside at Palmyra, which shall be the only port of entry or delivery within the said district, of any goods, wares or merchandise, not the growth or manufacture of the United States; and the said collector shall have, and exercise all the powers, which any other collector hath, or may legally exercise, for collecting the duties aforesaid; and in addition to the fees by law provided, shall be paid the yearly compensation of one hundred dollars.

APPROVED, January 31, 1797.

Collection district.

Act of March 2, 1801, ch. 12.

STATUTE II.

CHAP. III.—*An Act to augment the Compensation of the Attorney General of the United States.*

March 2, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation allowed by law to the Attorney General of the United States, shall be, and the same is hereby augmented, by an addition of the sum of five hundred dollars per annum, to commence on the first day of January, in the present year, and payable quarter-yearly, at the public treasury.

[Obsolete.]
Compensation to Attorney General.

Ante, p. 72.

APPROVED, March 2, 1797.

STATUTE II.

CHAP. V.—*An Act to continue in force for a limited time, the act, in addition to the act, for the punishment of certain crimes against the United States.*

March 2, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intitled "An act, in addition to the act, for the punishment of certain crimes against the United States," 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.

[Expired.]
Act of June 5, 1794, ch. 50.
Act concerning crimes continued.

APPROVED, March 2, 1797.

STATUTE II.

CHAP. VI.—*An Act making provision for the further accommodation of the household of the President of the United States.*

March 2, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he hereby is authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use, and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of the proceeds of the duties on imports and tonnage which may accrue during the present year, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

[Obsolete.]
\$14,000 granted to the President for his household.

APPROVED, March 2, 1797.

STATUTE II.

March 2, 1797.

[Obsolete.]

Act of Dec.
31, 1792, ch. 1.Secretary of
Treasury author-
ized to grant
certificates, &c.
in certain cases.

1793, ch. 8.

CHAP. VII.—*An Act, in addition to an act, intituled "An act concerning the registering and recording of ships or vessels," and to an act, intituled "An act for enrolling and licensing ships and vessels employed in the coasting trade and fisheries, and for regulating the same."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear, by satisfactory proof, to the Secretary of the Treasury, that any ship or vessel hath been sold and transferred by process of law; and that the register, certificate of enrolment, or license, as the case may be, of such ship or vessel, is retained by the former owners, it shall be lawful for the said secretary, to order and direct the collector of the district to which such ship or vessel may belong, to grant a new register, certificate of enrolment, or license, as the case may be, on the owners, under such sale, complying with such terms and conditions, as are, by law, required for granting of such papers; excepting only the delivering up of the former certificate of registry, enrolment or license, as the case may be: *Provided nevertheless,* that nothing in this act contained, shall be construed to remove the liability of any person or persons to any penalty for not surrendering up the papers, belonging to any ship or vessel, on a transfer or sale of the same.

APPROVED, March 2, 1797.

STATUTE II.

March 3, 1797.

[Obsolete.]

Specific ap-
propriations for
1797.

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

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the expenditure of the civil list; for the extra expenses of foreign intercourse; for the support of the mint establishment, lighthouses, beacons, buoys and public piers, for the year one thousand seven hundred and ninety-seven; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fifteenth day of December, one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments, and the offices thereof, the following sums be respectively appropriated; that is to say:

President and
Vice President.

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

Members of
Congress.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months' continuance, one hundred and thirty-eight thousand seven hundred and eighty-six dollars and sixty-seven cents.

Contingencies.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two houses of Congress, twelve thousand dollars.

For the compensations granted by law to the chief justice, associate judges, district judges, and attorney general, forty-four thousand nine hundred dollars.

For defraying the expenses of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand seven hundred and ninety-two dollars and sixty-four cents.

For incidental and contingent expenses in the said department, eight thousand seven hundred and five dollars.

For compensation to the Secretary of the Treasury, clerks and per

sons employed in his office, eight thousand seven 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, eleven thousand seven hundred and fifty dollars.

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

For compensation to the Treasurer and clerks employed in his office, four thousand five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand eight hundred and twenty-five dollars.

For expense of stationery, printing and other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, five thousand four hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fifteen thousand four hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the Register's office, (including books for the public stocks, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the purveyor of public supplies, two thousand dollars, and five hundred dollars for a clerk.

For compensation to the Secretary to the commissioners of the sinking fund, including his salary from the time of his appointment, to the thirty-first day of December, one thousand seven hundred and ninety-seven, four hundred and nineteen dollars and seventeen cents.

For the payment of rent for the several houses employed in the treasury department, (except the Treasurer's office,) two thousand six hundred and ninety-three dollars and thirty-three cents.

For expense of firewood and candles in the several offices of the Treasury department, (except the Treasurer's office) three thousand five hundred dollars.

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

For the payment of certain incidental and contingent expenses of the Treasury department, in the year one thousand seven hundred and ninety-six, beyond the sum which was appropriated, one thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For clerk hire and stationery to the commissioners of loans, for the year one thousand seven hundred and ninety-seven, twelve thousand dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eight thousand dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses of the office of the Secretary of War, two thousand dollars.

For compensation to the accountant to the War department, clerks

Specific appropriations for the support of government for 1797.

Specific appropriations for the support of government for 1797.

and persons employed in his office, seven thousand six hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensation to the Surveyor General two thousand dollars.

For compensation to the assistant surveyors, chain-carriers, axe-men and other persons employed in carrying into effect the surveys to be made by the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river, twenty-five thousand dollars.

For compensation to the Governor, Secretary and Judges of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, printing patents for land, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the payment of sundry pensions granted by the late government, one thousand one hundred and thirteen dollars and thirty-three cents.

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 Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety three, seven hundred and fifty dollars.

1793, ch. 23. For the annual allowance for the education of Hugh Mercer, son of the late Major-general Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

Ante, p. 128. For defraying the expenses of foreign intercourse, for the year one thousand seven hundred and ninety-seven, beyond the annual appropriations authorized by the act of Congress, passed the first day of July, one thousand seven hundred and ninety, intituled "An act providing the means of intercourse between the United States and foreign nations," seventeen thousand nine hundred dollars.

For compensations to the following officers of the mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the assayer, one thousand five hundred dollars; the chief coiner, one thousand five hundred dollars; the melter and refiner, one thousand five hundred dollars; the engraver, one thousand two hundred dollars; three clerks, one at seven hundred dollars, and two at five hundred dollars each, one thousand seven hundred dollars.

For the wages of persons employed in the mint, at the different branches of refining, melting, carpenter's, millwright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die-forger, who also oversees the execution of the iron work, seven thousand dollars.

For the payment of a deficiency which has arisen in the mint, in coining the precious metals, by reason of wasteage, the sum of one thousand eight hundred and forty-five dollars and ninety-six cents; and for the payment of a deficiency which has arisen by reason of the loss of a quantity of silver, the further sum of nine hundred and seventy-four dollars and seventy-six cents.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies for the establishment of the mint, seven thousand four hundred dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and

public piers, and stakeage of channels, bars and shoals, for the year one thousand seven hundred and ninety-seven, twenty-eight thousand five hundred dollars.

For completing a lighthouse on the island of Seguin, two thousand one hundred and seventy dollars.

For completing the payment due for building the lighthouse on Bald-head, North Carolina, one thousand three hundred and fifty-nine dollars and fourteen cents.

For completing a lighthouse on Montock-point, two thousand seven hundred and forty dollars and sixty-seven cents.

For the balance carried to the "Surplus Fund," of an appropriation for building a lighthouse on Montock-point, thirteen thousand dollars.

For extra clerkship, necessary for a part of the present year in the loan office, for consolidating the accounts of assumed and original debt, agreeable to the thirteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, two thousand five hundred dollars.

For the payment of the representatives of Samuel Patterson, late commissioner of the loan office for the state of Delaware, two hundred and seventy-two dollars and eighty-nine cents.

For the payment of a balance due to James O'Hara, late agent for the quartermaster's department, two hundred and thirty-five dollars and eighty-one cents.

For the payment of a balance due to Timothy Pickering, as commissioner appointed to hold the Indian treaties at Konondaigua and Oneida, three thousand four hundred and sixty-three dollars and twelve cents.

For compensation to persons employed in bringing votes to the seat of government, for electors of the President and Vice President of the United States, one thousand six hundred dollars.

For making good certain deficiencies arising from the balance of monies of various appropriations, being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz:

For payment of the clerks employed by the commissioners of loans, for the states of Massachusetts, New York and North Carolina, for the quarter ending the thirtieth of March, one thousand seven hundred and ninety-five, seven hundred and eighty-nine dollars and seventy cents.

For the payment of a balance due to Timothy Pickering, Beverly Randolph, and Benjamin Lincoln, commissioners appointed to negotiate and treat with the Indians, northwest of the river Ohio, on the second day of March, one thousand seven hundred and ninety-three, three thousand two hundred and forty-seven dollars and fifty-six cents.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" together with so much as may be necessary, of the proceeds of the duties on imports, and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

APPROVED, March 3, 1797.

Specific appropriations for the support of government for 1797.

1795, ch. 45.

1795, ch. 45.

Ante, p. 138.

STATUTE II.

March 3, 1797.

[Obsolete.]

Compensation
to officers of the
revenue.

1799, ch. 22.

Compensation
to collectors.

CHAP. IX.—*An Act relative to the Compensations and Duties of certain Officers employed in the collection of impost and tonnage.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the commissions heretofore established by law, there shall be allowed to the collectors of the duties of impost and tonnage, on all monies by them respectively received on account of the duties aforesaid, arising on tonnage, and on goods, wares and merchandise, imported after the last day of March in the present year, as follows, to wit:

To each of the collectors of the districts of Pennsylvania and New York, one quarter per cent.

To each of the collectors of the districts of Boston and Charlestown, and of Baltimore, one half per cent.

To each of the collectors of the districts of Charleston, Salem, and of Norfolk and Portsmouth, seven eighths of one per cent.

To each of the collectors of the districts of Alexandria, and Savannah, one per cent.

To the collector of the district of Newburyport, one and one fourth per cent.

To each of the collectors of the districts of Portsmouth, Portland, Newport, Providence and New Haven, one and one half per cent.

To each of the collectors of the districts of Georgetown, (in Maryland) and Marblehead, two and one half per cent.

To each of the collectors of the districts of New London, Biddeford, Bath and Wiscasset, two per cent.

And to each of the collectors of the districts of Tappahannock, Vermont, Champlain, Gloucester, Ipswich, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Penobscot, Frenchman's Bay, Machias, Passamaquoddy, Waldoborough, Middletown, Fairfield, Sagg Harbor, Hudson, Perth Amboy, Burlington, Bridgetown, Little Egg Harbor, Wilmington (in Delaware,) Havre-de-Grace, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Nanjemoy, Bermuda Hundred, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, Southquay, Kentucky, Wilmington, (North Carolina,) Newbern, Washington, Edenton, Camden, Georgetown, (South Carolina,) Beaufort, Sundbury, Brunswick, St. Mary's, Hardwick, and Tennessee, three per cent.

SEC. 2. *And be it further enacted,* That from and after the last day of March, in the present year, in lieu of the yearly allowances heretofore established by law, there shall be yearly allowed to the following officers, the sums following, to wit:

To each of the collectors of the districts of Annapolis, Havre-de-Grace, Gloucester, Southquay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington, (North Carolina,) Nanjemoy, Ipswich, York, Washington, Passamaquoddy, Saint Mary's, Vermont, Champlain, and Bermuda Hundred, the sum of two hundred and fifty dollars.

To each of the collectors of the districts of Oxford, Vienna, Chester, Sagg Harbor, Nottingham, Hampton, Yorktown, Dumfries, Foley Landing, Cherrystone, Beaufort, Brunswick and Hardwick, the sum of two hundred dollars.

To each of the collectors of the districts of Perth Amboy, Kentucky, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias, Newport, Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Wilmington, (in Delaware,) Snowhill, Georgetown, (in South Carolina,) Sunbury, Tennessee, Marblehead, New Haven, and Georgetown, (in Maryland,) the sum of one hundred and fifty dollars.

To each of the collectors of Biddeford, Bath, and Wiscasset, one hundred dollars.

Compensation
to collectors.

To the naval officer of the district of Portsmouth, two hundred dollars.

To each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington, (in North Carolina,) and Savannah, the sum of one hundred and fifty dollars.

Compensation
to Naval Offi-
cers.

To each of the surveyors of Salem, Portsmouth, Newburyport, Bristol, Warren, East Greenwich, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, Wilmington, Beaufort, and Swansborough, the sum of two hundred and fifty dollars.

Compensation
to Surveyors.

To each of the surveyors of Newport, Providence, Thomastown, Beverly, New Haven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellensburg, Portland, North Kingston, Powhatuck, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hertford, Plymouth, Skewarky, Murfreesborough, Bennet's Creek, Winton, Nixonton, Newbiggen Creek, Pasquotank River, Indiantown, Currituck Inlet, Savannah, and New Brunswick, (in New Jersey,) the sum of one hundred and fifty dollars.

SEC. 3. *And be it further enacted*, That from and after the last day of March, in the present year, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be employed in aid of the customs, a sum not exceeding two dollars; and that instead of the sum heretofore established by law, to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania and New York, there shall be paid one cent; in the districts of Boston and Charlestown, and of Baltimore, one cent and a quarter; and the weighers in the several districts shall defray all expense of labourers in weighing, and shall mark on each cask, box, bag, or package, the weight thereof, where the same is not less than three hundred pounds, if thereunto required by the owner, at the time of weighing.

Compensation
to Inspectors.

To weighers.

SEC. 4. *And be it further enacted*, That from and after the last day of March, in the present year, all fees arising on the exportation of any goods, wares or merchandise, on which drawbacks are allowed, shall be equally shared among the collector, naval officer and surveyor, where there are such officers at the port where such fees are paid; to be accounted for, quarterly, by the collector or naval officer, who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor, who may have been concerned in attending to such exportation. And the surveyors shall pay their proportion of the expense of stationery and printing.

Fees arising
on exportation
to be divided
among collect-
ors, naval offi-
cers and survey-
ors.

SEC. 5. *And be it further enacted*, That previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel, shall be paid at the office or offices where such fees are respectively payable; and receipts for the same shall be produced to the collector, or other officer, whose duty it may be to grant clearances, before such clearance is granted.

No vessel to
clear out till
fees are paid.

SEC. 6. *And be it further enacted*, That a surveyor be appointed for the port of New Brunswick, (in New Jersey,) to reside at New Brunswick. And the port of Marblehead shall hereafter be a port at which vessels arriving from beyond the Cape of Good Hope, may enter and unlade.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. X.—*An Act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes.*

March 3, 1797.

[Obsole:e.]

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

Additional
duty on certain
imports.

and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles herein after enumerated, shall be laid, levied and collected upon those articles, respectively, at their importation into the United States, from any foreign port or place, viz : upon all brown sugar, per pound, one half cent ; upon all bohea tea, per pound, two cents ; upon all molasses, per gallon, one cent ; and upon all velvets, and velvets, whether printed, stained, coloured, or otherwise, and upon all muslins and muslinets, and other cotton goods, not printed, stained or coloured, two and a half per centum, ad valorem.

Duty on cocoa
and sugar candy
varied.

SEC. 2. *And be it further enacted*, That from and after the said thirtieth day of June next, the duties now in force, and payable upon sugar candy, and cocoa, imported into the United States, shall cease ; and that, in lieu thereof, there shall thenceforth be levied and collected the following duty, viz : upon all sugar candy, at its importation into the United States, from any foreign port or place, nine cents per pound ; and upon all cocoa upon its importation as aforesaid, two cents per pound.

Ten per cent.
addition on im-
ports in foreign
vessels.

SEC. 3. *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 such goods, wares and merchandise, as aforesaid, as shall, after the said last day of June next, be imported in ships or vessels, not of the United States.

How duties
shall be collect-
ed.

SEC. 4. *And be it further enacted*, That the duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, respectively, with the several duties now in force on the respective articles herein before enumerated.

Drawbacks.

SEC. 5. *And be it further enacted*, That on account of the additional duties laid on brown sugar and molasses, by this act, the following sums, respectively, shall, from and after the last day of December next, be added to the drawbacks now allowed and paid by law on sugar refined within the United States, and exported therefrom, and on spirits distilled from molasses within the United States and exported therefrom, viz : on all sugar so refined and exported, one cent per pound ; and on all spirits so distilled and exported, one cent per gallon ; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

Appropriation
of duties.

SEC. 6. *And be it further enacted*, That the proceeds of the duties laid by this act, shall be solely appropriated to the following purpose ; that is to say : First, for the payment of the principal of the present foreign debt of the United States : Secondly, for the payment of the principal of the debt now due by the United States to the Bank of the United States.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

1792, ch. 32.

Repealed April
6, 1802.

Option respect-
ing certain du-
ties on distilled
spirits abolish-
ed.

CHAP. XI.—*An Act repealing in part, the "Act concerning the Duties on spirits distilled within the United States," passed the eighth of May, one thousand seven hundred and ninety-two ; and imposing certain Duties on the capacity of Stills of a particular description.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in respect to stills employed in distilling spirits from materials of the growth and produce of the United States, at any other place than a city, town or village, or at any distillery in a city, town, or village, at which there are one or more stills, which singly, if only one, or together, if more than one, are of less capacity than four hundred gallons, the option and alternative of paying a duty of seven cents for every gallon of spirits distilled

in such stills, as secured and allowed by the first 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, be, and the same is hereby, declared to be abolished, from and after the thirtieth day of June, ensuing.

SEC. 2. *And be it further enacted*, That in lieu of the option and alternative aforesaid, the proprietor, or possessor of any such still or stills, as are above mentioned, shall and may, after the first day of July, ensuing, be charged with, and shall pay the following duties, to wit: For a license for the employment of each and every such still, for and during the term of two weeks, six cents per gallon, according to the capacity or content of every such still, including the head thereof: For a license, for and during the term of one month, ten cents per gallon, as aforesaid: For a license, for and during the term of two months, eighteen cents per gallon, as aforesaid: For a license, for and during the term of three months, twenty-four cents per gallon, as aforesaid: For a license, for and during the term of four months, thirty cents per gallon, as aforesaid: For a license, for and during the term of five months, thirty-six cents per gallon, as aforesaid: And for a license, for and during the term of six months, forty-two cents per gallon, as aforesaid.

Duties according to capacity of stills established.

SEC. 3. *And be it further enacted*, That upon the sale or transfer of any still licensed, according to this act, the right and privilege of using such still, during the time for which such license may remain in force, shall accrue to the new proprietor, or possessor, due entry of the sale or transfer being previously made, with the proper officer of inspection.

Transfers.

SEC. 4. *And be it further enacted*, That every distiller, as aforesaid, who shall commence any distillation, prior to obtaining a license therefor, shall pay a duty equal to that demandable, in consequence of a license for six months; and no new license shall be granted for any still, until all duties, which have accrued thereon, shall have been paid and discharged.

Penalty for distilling without license.

SEC. 5. *And be it further enacted*, That the several provisions and clauses of the acts heretofore passed, and remaining in force, for laying, securing, and collecting duties on spirits distilled within the United States, and on stills; for regulating the exportation of such spirits, and for making an allowance to the exporters of the same, by way of drawback, shall extend to, and remain in full force, with respect to the several provisions and clauses of this act, subject only to the alterations hereby made.

Drawbacks.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XII.—*An Act authorizing the President of the United States to apply a further sum to the expense of Negotiations with the Dey and Regency of Algiers.*

March 3, 1797.

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 apply a sum, not exceeding two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, to the expenses which may have been incurred in any negotiations with the Dey and Regency of Algiers, beyond the sums heretofore appropriated; and that the said sum of two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, be, and the same is hereby appropriated for that purpose.

[Obsolete.]
Appropriation for negotiations with Algiers.

SEC. 2. *And be it further enacted*, That a further sum, not exceeding ninety-six thousand two hundred and forty-six dollars and sixty-three cents, be, and the same is hereby appropriated for discharging the two first years' annuity to the Dey and Regency of Algiers, pursuant to

To pay annuity.

treaty, in addition to the sum appropriated for that purpose, by the act of the sixth of May, one thousand seven hundred and ninety-six.

SEC. 3. *And be it further enacted*, That the said several sums shall be paid and discharged out of any monies arising from the revenues of the United States, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-seven.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XIII.—*An Act to provide for mitigating or remitting the Forfeitures, Penalties and Disabilities accruing in certain cases therein mentioned.*(a)

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any person or persons, who shall have incurred any fine, penalty, forfeiture or disability, or shall have been interested in any vessel, goods, wares or merchandise, which shall have been subject to any seizure, forfeiture, or disability, by force of any present or future law of the United States, for the laying, levying or collecting any duties or taxes, or by force of any present or future act, concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same, shall prefer his petition to the judge of the district, in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case; and shall pray, that the same may be mitigated or remitted, the said judge shall inquire, in a summary manner into the circumstances of the case; first, causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States, for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon, have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.

1814, ch. 14.

Courts of the states have the same power as district courts.

SEC. 2. *And be it further enacted*, That the judicial courts of the several states, to whom, by any of the said acts, 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.

Rights of individuals not to be affected in cases where a prosecution shall have been

SEC. 3. *Provided always, and be it further enacted*, That nothing herein contained, shall be construed to affect the right or claim of any person, to that part of any fine, penalty, or forfeiture, incurred by the breach of any of the laws aforesaid, which such person shall, or may be entitled to, by virtue of the said laws in cases where a prosecution has been commenced, or information has been given, before the passing of

(a) The remission of a forfeiture or penalty by the Secretary of the Treasury, accruing under the revenue laws, under the remission act of March 3, 1797, before the final judgment, and until the actual payment over to the collector for distribution of the money arising from such forfeiture, extends to the shares of the forfeiture or penalty to which the officers of the customs are entitled, as well as to the interests of the United States. *United States v. Morris*, 10 Wheat. 246; 6 Cond. Rep. 90. *United States v. Lancaster*, 4 Wash. C. C. R. 64. *McLane v. The United States*, 6 Peters, 404.

this act, or any other act relative to the mitigation or remission of such fines, penalties, or forfeitures; the amount of which right and claim shall be assessed and valued by the proper judge, or court, in a summary manner.

SEC. 4. *And be it further enacted*, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, March 3, 1797.

commenced or information given.

Limitation.
Repealed 1800, ch. 6.

STATUTE II.

CHAP. XIV.—*An Act to authorize the receipt of evidences of the Public Debt, in payment for the Lands of the United States.*

March 3, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the evidences of the public debt of the United States, shall be receivable in payment for any of the lands which may be hereafter sold in conformity to the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz.: the present foreign debt of the United States, and such debt, or stock, as, at the time of payment, shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt, or stock, of the United States, shall be received at a rate bearing the same proportion to their respective market price, at the seat of government, at the time of payment, as the nominal value of the above mentioned six per centum stock shall, at the same time, bear to its market price at the same place; the Secretary of the Treasury, in all cases, determining what such market price is.

APPROVED, March 3, 1797.

[Obsolete.]
Stock of the United States received in payment for western lands.

Ante, p. 464.

STATUTE II.

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

March 3, 1797.

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

APPROVED, March 3, 1797.

[Obsolete.]

STATUTE II.

CHAP. XVI.—*An Act to amend and repeal, in part, the Act intituled "An Act to ascertain and fix the Military Establishment of the United States."*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to ascertain and fix the military establishment of the United States," together with all other parts thereof which relate to provision made for the major general and his staff, be repealed; and that all such parts of the said act, together with so much of the twenty-third section, as may be construed to affect the Brigadier, and the whole of the eleventh section of the said act be, and are hereby repealed.

SEC. 2. *And be it further enacted*, That there shall be one brigadier general, who may choose his brigade major and inspector, from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge advocate, who shall be taken from the

→ [Repealed.]
Act of May 30, 1796, ch. 39.
Certain sections repealed.

Brigadier General.
Inspector.

See p. 557, post.

Judge advocate.

commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

Quarter master and paymaster general.

SEC. 3. *And be it further enacted*, That there shall be one quartermaster general and one paymaster general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

Pay of lieutenants and ensigns.

SEC. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars: That to the brigadier, while commander in chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

Subsistence allowed to majors.

SEC. 5. *And be it further enacted*, That the majors be entitled to receive four rations per day, for their subsistence.

Allowance to officers deranged.

SEC. 6. *And be it further enacted*, That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

Ante, p. 483.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XVII.—*An Act making appropriations for the Military and Naval establishments for the year one thousand seven hundred and ninety-seven.*

[Obsolete.]

Military appropriations for 1797.

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 and naval establishments, for the year one thousand seven hundred and ninety-seven, the following sums be respectively appropriated; that is to say:

For the pay of the army of the United States, the sum of two hundred and fifty-six thousand four hundred and fifty dollars.

For the subsistence of the officers of the army, a sum not exceeding forty-seven thousand three hundred and ninety-five dollars.

For the subsistence of the non-commissioned officers and privates, a sum not exceeding two hundred and forty-five thousand two hundred and eighty-three dollars.

For forage, the sum of fourteen thousand nine hundred and four dollars.

For clothing, a sum not exceeding eighty-three thousand and fifty dollars.

For the purchase of horses and equipments for the cavalry, sixteen thousand and eighty-five dollars.

For the hospital department, a sum not exceeding ten thousand dollars.

For the ordnance department, a sum not exceeding forty thousand dollars.

For the fortifications of the ports and harbors of the United States, a sum not exceeding twenty-four thousand dollars.

For the quartermaster's department, the Indian department, the defensive protection of the frontiers, bounties, and all the contingent expenses of the war department, a sum not exceeding three hundred thousand dollars.

To make good deficiencies in the appropriations in the military establishment, for the year one thousand seven hundred and ninety-six, the sum of seventy six thousand three hundred and twelve dollars.

For the pay and subsistence of three captains in the naval department, and for the pay of laborers employed in taking care of the frigates, the sum of five thousand dollars.

For finishing the frigates United States, Constitution, and Constellation, the sum of one hundred and seventy-two thousand dollars.

For the payment of military pensions, including an allowance to the widows and children of officers, under an act, intituled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of ninety-six thousand three hundred and fifty dollars.

To satisfy and discharge claims for militia services on the frontiers of Georgia, the sum of seventy thousand four hundred and ninety-six dollars and thirty-five cents; for militia services on the frontiers of Kentucky, three thousand eight hundred and thirty-six dollars and seventy-six cents; and for militia services on the frontiers of South Carolina, the sum of forty-eight thousand four hundred dollars and twenty-five cents.

For the payment of general John Sevier and his brigade, for services in the year one thousand seven hundred and ninety-three, the sum of twenty-two thousand eight hundred and sixteen dollars and ninety-five cents.

For the payment of six months' pay and subsistence to each of the officers discharged under the act "to ascertain and fix the military establishment of the United States," a sum not exceeding three thousand dollars; which sums shall be solely applied to the objects for which they are respectively appropriated.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the surplus of revenue and income beyond the appropriations heretofore charged thereon, to the end of the present year.

APPROVED, March 3, 1797.

Military appropriations for 1797.

1794, ch. 52.

1796, ch. 39.

STATUTE II.

CHAP. XVIII.—*An Act to suspend, in part, the Act, intituled "An act to alter and amend the Act, intituled An Act laying certain Duties upon Snuff and refined Sugar," and to grant relief in certain cases arising under the said Act.*

March 3, 1797.

[Obsolete.]

Act laying duty on snuff repealed.

1795, ch. 43.

1793, ch. 80.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed, upon the exportation of snuff manufactured within the United States, be suspended, from the passing of this act, until the end of the next session of Congress.

SEC. 2. *And be it further enacted*, That in all cases of licenses granted under the said act, where, by failure of water, or other casualty, occurring to the mill or mills, or to the implements or to the proprietor, or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required or paid, may be considered as peculiarly unequal and injurious, the Secretary of the Treasury, upon due representation and proof of such case, shall be, and hereby is authorized to cause to be refunded or remitted, such part of the duties paid, or secured on such license, as shall appear just and reasonable, under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship sustained as aforesaid.

Relief granted in certain cases.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XIX.—*An Act in addition to the act intituled "An act to establish the Post-Office and Post Roads within the United States."*

March 3, 1797.

1794, ch. 23.

[Obsolete.]

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

Post roads discontinued.

1799, ch. 43.

Post roads established.

following post roads be discontinued, namely: from Blue-hill, in Maine, to Penobscot, Frankfort and Belfast; from Bardstown, in Kentucky, to Nashville, in Tennessee; from Taunton to Providence; from Bethlehem, by Reading, to Lancaster; from Elkton to Warwick; from Georgetown to Cheraw Courthouse; from Bethlehem to Wilkesbarre; from Plymouth to Windsor; from Winton, by the bridge on Bennett's creek, to R. Mitchell's; from Mecklenburg to Halifax Courthouse; from Richmond, by Newcastle, to Aylett's Warehouse; from Morgantown, by Lincolntown, to Pinckney Courthouse; from Springfield, by Northampton, Brattleborough and Charleston, by Windsor, in Vermont, to Hanover.

SEC. 2. *And be it further enacted*, That the following be established as post roads, namely: from Blue-hill, in Maine, through Castine, Penobscot, Buckston, Frankfort and Prospect, to Belfast; from Hallowell, in Maine, to Farmington, on Sandy river; from Portland, in Maine, by Falmouth, Gorham, Buxton and Standish, to Limerick; from Berwick, in Maine, through Lebanon, Shapleigh and Parsonfield, to Limerick; from Standish, by Flintstown, to Fryburg academy; from Sandwich, by Tamworth and Conway, in New Hampshire, to Fryburg, in Massachusetts; from Portsmouth to Dover, in New Hampshire; from Newburyport to Haverhill; and from Haverhill, by Kingston, Exeter, Newmarket and Durham, to Dover; from Yarmouth, by Dennis, Harwich and Chatham, to Truro; from Worcester, in Massachusetts, by Petersham and Northfield, to Brattleborough, in Vermont; from Newport, in Rhode Island, through Taunton, Norton, Mansfield and Sharon, to Boston; from Boston, through Charlestown, Medford, Woburn, Billerica, Chelmsford and Tyngsborough, in Massachusetts, to Amherst, in New Hampshire; from Windsor, in Vermont, by Royalton, Randolph, Williamston and Montpelier, to Burlington; from New Haven, in Connecticut, by such route as the postmaster shall deem expedient, to Litchfield and Sheffield, in Massachusetts; from New York, by Whiteplains, Bedford, Frederickstown, Dover, Sharon, Sheffield, Stockbridge, Pittsfield and Williamston, to Bennington, in Vermont; from Lansingburg, in New York, by Waterford, Stillwater, Fort Edward, Whitehall landing, and Fairhaven, to Rutland, in Vermont; from New York to Hackensack, Paramus, New Antrim, thence to Chester and Goshen; from Lansingburg, by Salem, Fairhaven, Vergennes and Bason harbor, to Plattsburg; from Plattsburg to Pliny Moore's in the town of Champlain; from Schenectady, by Ballston Springs and Glen's bridge, to Sandy-hill; from Old Fort Schuyler, in New York, by Cincinnatus, to Oxford academy, on the Chenango; from Rome, in the state of New York, to Rotterdam, on the Oneida Lake; from Philadelphia to Tuckerton, in New Jersey; from Bristol, in Pennsylvania, to Burlington, in New Jersey; from Bethlehem, by Easton, to Wilkesbarre, in Pennsylvania; from Harrisburg, upon the east side of the Susquehanna river, to Clark's Ferry at Petersburg, by Millerstown, Thompson-town, Mifflintown, Lewistown, and Huntingdon, to Alexandria; from thence, by Center Furnace and Bellefont, to Milesburg, on the Bald Eagle river, at the mouth of Spring Creek; from thence, by Aaronsburg, Mifflinburg, Lewisburg (Deerston) and Northumberland, to Sunbury, and from thence down the east side of the Susquehanna river, to Harrisburg; from Somerset, through Connelville, to Uniontown, and from Bedford, in Pennsylvania, the mail shall be carried through Somerset, to Greensburg, after the expiration of the present contract for carrying the mail; from Baltimore, by Ellicott's lower mills, Montgomery Courthouse and Charlesburg, to Leesburg, in Virginia; from Morgantown, in Virginia, to Clarksburg, in Harrison county; from Leesburg, by Middleburg, in Loudoun county, by Fauquier Courthouse, to Culpeper Courthouse; from Petersburg, by Sussex Courthouse, and Southampton Courthouse,

to South Quay; from Richmond, by Hanover-town, to Aylett's Warehouse; from Todd's bridge to King and Queen Courthouse; from Halifax Courthouse, in Virginia, by Danville, to Caswell Courthouse, in North Carolina; from Newbern to Beaufort and Swansborough, the mail to go alternately; and from Wilmington, in North Carolina, by Georgetown, to Charleston, in South Carolina; from Jonesburg, in North Carolina, by Northwest River Bridge, Great Bridge, and Kempsville, to Norfolk; from Elizabeth city, in North Carolina, by New Lebanon, to Northwest River Bridge; from Morgantown, by Rutherfordton, to Spartan Courthouse, in South Carolina, and from Charlotte, by Lincolnton, to Iredell; from Bethania, in North Carolina, by Grayson Courthouse, to Wythe Courthouse, in Virginia; from Mecklenberg Courthouse, to return by Lunenberg Courthouse and Edmonds's store, to Goldson's; from Augusta, in Georgia, by Robison's at the White Ponds and Gillett's mill, to Coosawhatchie, in South Carolina; from Moffet's store, in Tennessee, to Danville, in Kentucky; from Knoxville, by Southwest Point, and Fort Blount, to Nashville; from Winton, by Windsor, to Edenton; from Murfreesborough, by South Quay, to Suffolk, in Virginia; from Fayetteville to Pittsburg, in Chatham county; from Nottingham to Lower Marlborough, in Maryland; from Benedict to Chaptico, by Charlottehall academy; from Allensfresh, in Maryland, by Laidlor's Ferry, to Port Conway, in Virginia; from Waynesborough to Louisville, by Georgetown to Rock landing, in Georgia; from Kandaigua, in the state of New York, to Niagara; from Suffield, in Connecticut, by Northampton, Brattleborough and Charlestown, by Windsor, in Vermont, to Hanover; from Springfield, by West Springfield, to Northampton; and that the route of the mail, from Easton, on the Eastern Shore of Maryland, to Vienna, shall be through Newmarket.

Post roads established.

SEC. 3. *And be it further enacted*, That the postmaster general be authorized to expend, for clerk hire, a sum not exceeding five hundred dollars, in addition to the sum heretofore allowed; and that he be authorized to charge the United States with two hundred and seventy-one dollars and fifty-two cents, for the occasional hire of extra clerks, from the first of January to the thirty-first of December, one thousand seven hundred and ninety-six.

Allowance to postmaster general for clerk hire.

SEC. 4. *And be it further enacted*, That from and after the passing of this act, every person who shall procure, aid, advise or assist in the doing or perpetration of any of the crimes, or acts, forbidden to be done or perpetrated by the act, intituled, "An act to establish the post-office and post roads within the United States," shall be subject to the same punishments and penalties as the persons are subject, who shall actually do, or perpetrate any of the acts or crimes forbidden by the said act.

Accessories punishable.

1794, ch. 23.

SEC. 5. *And be it further enacted*, That from and after the thirty-first day of March, of the present year, instead of the compensation heretofore allowed by law to the deputy postmasters, the postmaster general be hereby authorized to allow to the deputy postmasters, respectively, such commission on the monies arising from the postages of letters and packets, as shall be adequate to their respective services and expenses: *Provided*, the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred, and not more than three hundred dollars; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the deputy postmasters, who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter; and excepting, to the deputy postmasters, at offices where the mail is regularly to arrive between the hours of nine o'clock at night, and five o'clock in the morning; whose commission, on the

Compensation to deputy postmasters.

1798, ch. 24.

Regulations
respecting
newspapers.

first hundred dollars, collected in one quarter, may be increased to a sum not exceeding fifty per cent. The postmaster general may allow to the deputy postmasters, respectively, a commission of fifty per cent. on the money arising from the postages of newspapers, magazines and pamphlets; and to the deputy postmasters, whose compensations shall not exceed five hundred dollars, in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the deputy postmaster himself: *Provided*, that the authority given by this section to the postmaster general, to regulate the commissions to be allowed to the deputy postmasters, shall continue in force until the thirty-first day of March, one thousand seven hundred and ninety-eight, and no longer: And that it shall be his duty, to report to the said session, the respective commissions which he shall have allowed, by virtue of the authority herein given.

SEC. 6. *And be it further enacted*, That no newspapers shall be received by the deputy postmasters, to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers, which are enclosed for subscribers, and the number for printers: The deputy postmasters shall form all newspapers deposited in their offices, to be conveyed by post, into mails; and if any deputy postmaster shall open, or permit any mail of newspapers not directed to his office, to be opened, he shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding twenty dollars; and any other person, who shall open such mail of newspapers, on conviction thereof, shall forfeit a sum not exceeding twenty dollars, for every such offence: *Provided*, that when mails are directed to places where no post-office is kept, they may be opened at the post-office most convenient to such place, and may also be opened, where the direction is effaced.

SEC. 7. *And be it further enacted*, That this act shall not be construed to affect any existing contracts.

Postmaster
general to re-
port to Congress
concerning cer-
tain roads.

SEC. 8. *And be it further enacted*, That it shall be the duty of the postmaster general, to report annually to Congress, every post-road, which shall not, after the second year, from its establishment, have produced one third of the expense of carrying the mail on the same.

Letters to
George Wash-
ington to be
free.

SEC. 9. *And be it further enacted*, That all letters and packets to George Washington, now President of the United States, after the expiration of his term of office, and during his life, shall be received and conveyed by post free of postage.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

Act of March
3, 1817, ch. 45.
Revenue offi-
cer or other per-
son not paying
public money,
to be sued, to
forfeit commis-
sions, and to pay
interest.

CHAP. XX.—*An Act to provide more effectually for the Settlement of Accounts between the United States, and Receivers of public Money.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any revenue officer, or other person accountable for public money, shall neglect or refuse to pay into the treasury, the sum or balance reported to be due to the United States, upon the adjustment of his account, it shall be the duty of the comptroller, and he is hereby required to institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced, and judgment obtained thereon, and an interest of six per cent. per annum, from the time of receiving the money, until it shall be repaid into the treasury.

SEC. 2. *And be it further enacted*, That in every case of delinquency, where suit has been, or shall be instituted, a transcript from the books and proceedings of the treasury certified by the register, and authenticated under the seal of the department, shall be admitted as evidence.

and the court trying the cause, shall be thereupon authorized to grant judgment, and award execution, accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with the settlement of any account between the United States and an individual, when certified by the register to be true copies of the originals on file, and authenticated under the seal of the department, as aforesaid, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit, which would be due to the original papers, if produced and authenticated in court: *Provided*, That where suit is brought upon a bond, or other sealed instrument, and the defendant shall plead "*non est factum*," or upon motion to the court, such plea or motion being verified by the oath or affirmation of the defendant, it shall be lawful for the court to take the same into consideration, and (if it shall appear to be necessary for the attainment of justice) to require the production of the original bond, contract or other paper specified in such affidavit.(a)

A transcript of the books of the Treasury to be evidence.

Original contract to be produced in certain cases.

(a) The decisions of the courts of the United States on Treasury statements, transcripts and documents, have been:

An account stated at the treasury department, which does not arise in the ordinary mode of doing business in that department, can derive no additional validity from being certified under the act of Congress. A treasury statement can only be regarded as establishing items for moneys disbursed through the ordinary channels of the department, where the transactions are shown by its books. In these cases the officers may well certify, for they must have official knowledge of the facts stated. *United States v. Buford*, 3 Peters, 29.

But when moneys come into the hands of an individual, not through the officers of the treasury, or in the regular course of official duty, the books of the treasury do not exhibit the facts, nor can they be officially known to the officers of the department. In such a case the claim of the United States for money thus in the hands of a third person must be established, not by a treasury statement, but by the evidence on which that statement was made. *Ibid*.

Action of debt on a bond executed by Alpha Kingsley, a paymaster in the army, and by John Smith, T. and another, as his sureties, to the United States. The condition of the obligation was, that Alpha Kingsley, "about to be appointed a district paymaster," &c. "and who will, from time to time, be charged with funds to execute and perform the duties of that station, for which he will be held accountable," &c. shall "well and truly execute the duties of district paymaster, and regularly account for all moneys placed in his hands to carry into effect the object of his appointment." On the trial the plaintiff gave in evidence a duly certified copy of the bond, and a "transcript from the books and proceedings of the treasury department, of the account of Alpha Kingsley, late district paymaster, in account with the United States." In this account A. K. was charged with moneys advanced to him for pay, subsistence, and forage, bounties and premiums, and contingent expenses of the army; and credited with disbursements of the same, for the purposes for which they were paid to him, and showing a large amount of items suspended and disallowed; making a balance due to the United States of forty-eight thousand four hundred and ninety-two dollars and fifty-three cents. The account was thus settled by the third auditor of the treasury, and was duly certified to the second comptroller of the treasury, and this balance was by him admitted and certified on the 23d of April, 1823. The account was further certified, "Treasury department, third auditor's office, 1st of September, 1824: pursuant to an act to provide for the prompt settlement of public accounts, approved 3d of March, 1817, I, Peter Hagner, third auditor, &c. do hereby certify that the foregoing transcripts are true copies of the originals, on file in this office." To this was annexed a certificate that Peter Hagner was the third auditor, &c. "In testimony whereof I, William H. Crawford, secretary of the treasury, have hereunto subscribed my name, and caused to be affixed the seal of this department, at the city of Washington, this 1st of September, 1824. (Signed) Edward Jones, chief clerk, for William H. Crawford, secretary of the treasury." The seal of the treasury department was affixed to the certificate. On the trial, the district court of Missouri instructed the jury, that "as by the account it appears there are in it items of debit and credit to Kingsley, as district paymaster, it furnished evidence of his having acted as district paymaster, and of his appointment as such." By the court—There are two kinds of transcript which the statute authorizes the proper officers to certify: first, a transcript from "the books and proceedings of the treasury," and secondly, "copies of bonds, contracts, and other papers, &c., which remain on file, and relate to the settlement." The certificate under the first head has been literally made in this case, and is a sufficient authentication of the transcript from "the books and proceedings of the treasury," and is a substantial compliance with the requisitions of the statute. *Smith v. The United States*, 5 Peters, 292.

Nothing done at the treasury, which did not fall within the scope of the authority of the accounting officers, in settling accounts, can be received in evidence. In the case of the *United States v. Buford*, 3 Peters, 29, it was held by the supreme court, that an account stated at the treasury department, which does not arise in the ordinary mode of doing business in that department, can derive no additional validity from being certified under the act of Congress. Such statements at the treasury can only be regarded as establishing items for moneys disbursed through the ordinary channels of the department, when the transactions are shown by its books. *Cox and Dick v. The United States*, 6 Peters, 202.

A treasury transcript, produced in evidence by the United States, in an action on a bond for the performance of a contract for the supply of rations to the troops of the United States, contained items of charge which were not objected to by the defendant. The defendant objected to the following items, as not proved by the transcript: "February 19, 1818, for warrant 1680, favour of Richard Smith, dated December 27, 1817, and February 11, 1818, twenty thousand dollars." And on the 11th of April, of the same year, another charge was made "for warrant No. 1904, for the payment of his two drafts, favour of

Judgment to be rendered at return term, except in certain cases.

SEC. 3. *And be it further enacted*, That where suit shall be instituted against any person or persons indebted to the United States, as aforesaid, it shall be the duty of the court where the same may be pending, to grant judgment at the return term, upon motion, unless the de-

Alexander M'Cormick, dated March 11, and 17, 1811, for ten thousand dollars." And on the 14th of May, of the same year, a charge was made "for warrant No. 2038, being in part for a bill of exchange in favour of Richard Smith, for twenty thousand dollars, twelve thousand eight hundred and thirty-two dollars and seventy-eight cents." And one other warrant was charged June 22d, "for a bill of exchange in favour of Richard Smith, dated June 22, 1810, four thousand dollars; and also a warrant to Richard Smith, per order, for eight thousand dollars." These items, the circuit court instructed the jury, were not sufficiently proved, by being charged in the account, and certified under the act of Congress. By the Court—The officers of the treasury may well certify facts which come under their official notice, but they cannot certify those which do not come within their own knowledge. The execution of bills of exchange and orders for money on the treasury, though they may be "connected with the settlement of an account," cannot be officially known to the accounting officers. In such cases, however, provision has been made by law, by which such instruments are made evidence, without proof of the handwriting of the drawer. The act of Congress of the 3d of March, 1797, makes all copies of papers relating to the settlement of accounts at the treasury, properly certified, when produced in court annexed to the transcript, of equal validity with the originals. Under this provision, had copies of the bills of exchange and orders, on which these items were paid to Smith and M'Cormick, been duly certified and annexed to the transcript, the same effect must have been given to them by the circuit court, as if the original had been produced and proved. And every transcript of accounts from the treasury, which contains items of payments made to others, on the authority of the person charged, should have annexed to it a duly certified copy of the instrument which authorized such payments. And so, in every case, where the government endeavours by suit, to hold an individual liable for acts of his agent. The agency, on which the act of the government was founded, should be made to appear by a duly certified copy of the power. The defendant would be at liberty to impeach the evidence thus certified; and, under peculiar circumstances of alleged fraud, a court might require the production of the original instrument. This, however, would depend upon the exercise of the discretion of the court, and could only be enforced by a continuance of the cause until the original should be produced. *United States v. Jones*, 8 Peters, 375.

The following item in the treasury transcript was not admissible in evidence: "To accounts transferred from the books of the second auditor for this sum, standing to his debit, under said contract, on the books of the second auditor, transferred to his debit on those of this officer, forty-five thousand dollars." The act of Congress, in making a "transcript from the books and proceedings of the treasury" evidence, does not mean the statement of an account in gross, but a statement of the items, both of the debits and credits, as they were acted upon by the accounting officers of the department. On the trial, the defendant shall be allowed no credit on vouchers, which have not been rejected by the treasury officers, unless it was not in his power to have produced them; and how could a proper effect be given to this provision, if the credits be charged in gross? The defendant is unquestionably entitled to a detailed statement of the items which compose his account. *Ibid.*

The defendant, in an action by the United States, where a treasury transcript is produced in evidence by the plaintiffs, is entitled to the credits given to him in the account; and in claiming those credits, he does not waive any objection to the items on the debit side of the account. He is unquestionably entitled to the evidence of the decision of the treasury officers upon his vouchers, without reference to the charges made against him. And he may avail himself of that decision, without, in any degree, restricting his right to object to any improper charge. The credits were allowed the defendant on the vouchers alone, and without reference to the particular items of demand which the government might have against him. And the debits, as well as the credits, must be established on distinct and legal evidence. *Ibid.*

The law has prescribed the mode by which treasury accounts shall be made evidence, and whilst an individual may claim the benefit of this rule, the government can set up no exemption from its operation. In the performance of their official duty, the treasury officers act under the authority of law; their acts are public, and affect the rights of individuals as well as those of the government. In the adjustment of an account, they sometimes act judicially, and their acts are all recorded on the books and files of the treasury department. So far as they act strictly within the rules prescribed for the exercise of their powers, their decisions are, in effect, final; for if an appeal be made, they will receive judicial sanction. Accounts, amounting to many millions annually, come under the action of these officers. It is, therefore, of great importance to the public, and to individuals, that the rules by which they exercise their powers, should be fixed and known. *Ibid.*

In every treasury account on which suit is brought, the law requires the credits to be stated as well as the debits. These credits the officers of the government cannot properly either suppress or withhold. They are made evidence in the case, and were designed by the law for the benefit of the defendant. *Ibid.*

O. made a contract with the government to supply the troops of the United States with rations within a certain district, and executed a bond and contract agreeably to the usages of the war department. The United States brought an action against O. on the bond, and gave in evidence the contract annexed to the bond, and a treasury statement, which showed a balance against O. The United States also gave in evidence another transcript to prove that O., under a previous account, had been paid a balance of nineteen thousand one hundred and forty-nine dollars and one cent, stated to be due to him, which was paid to his agent, under power of attorney, and the receipt for the same endorsed on the back of the account. The circuit court instructed the jury, that the second transcript was not evidence, per se, to establish the items charged to O. Held, that there was no error in this instruction. *United States v. Jones*, 8 Peters, 387.

The circuit court, on the prayer of the defendant, instructed the jury, that the transcript from the books and proceedings of the treasury, can only be regarded as establishing such of the items of debit, in the account stated in the said transcript, as are for moneys disbursed through the ordinary channels of the treasury department, where the transactions are shown by its books, and where the officers of the department must have had official knowledge of the facts stated: but that the transcript is evidence for the

fendant shall, in open court, (the United States attorney being present) make oath or affirmation, that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the treasury, and rejected; specifying each particular claim, so rejected in the affidavit; and that he cannot then come safely to trial. Oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance, until the next succeeding term, may be granted; but not otherwise, unless as provided in the preceding section.

SEC. 4. *And be it further enacted*, That in suits between the United States and individuals, no claim for a credit shall be admitted, upon trial, but such as shall appear to have been presented to the accounting officers of the treasury, for their examination, and by them disallowed, in whole or in part, unless it should be proved, to the satisfaction of the court, that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit, at the treasury, by absence from the United States, or some unavoidable accident.

No credit to be admitted unless presented to the Treasury or out of the power of the party to do it.

SEC. 5. *And be it further enacted*, That where any revenue officer, or other person hereafter becoming indebted to the United States, by bond or otherwise, shall become insolvent, or where the estate of any deceased debtor, in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the United States shall be first satisfied; and the priority hereby established shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his debts, shall make a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor, shall be attached by process of law, as to cases in which an act of legal bankruptcy shall be committed. (a)

In all cases of insolvency, the debt due to the United States shall be first paid.

SEC. 6. *And be it further enacted*, That all writs of execution upon any judgment obtained for the use of the United States, in any of the courts of the United States in one state, may run and be executed in any other state, or in any of the territories of the United States, but shall be issued from, and made returnable to the court where the judgment was obtained, any law to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to repeal, take away, or impair any legal remedy or remedies

Prior legal remedies not to be impaired.

defendant of the full amount of the credits therein stated; and that, by relying on the said transcript, as evidence of such credits, the defendant does not admit the correctness of any of the debits in the said account, of which the transcript is not, per se, evidence; and that the said transcript is not, per se, evidence of any of the items of debit therein stated, except the first. By the Court—The correctness of the principle laid down by the circuit court in this instruction, has been recognized by the supreme court, in a case between the same parties, at the present term. *Ibid*.

The auditor's report of a balance due from a person accountable for public money, is a guide to the comptroller as to the amount to be sued for, but not evidence for the court of the debt. *United States v. Patterson, Gilpin's D. C. R. 47.*

Where the public officers are authorized by law to certify to certain facts, their certificates to these facts are competent evidence thereof. *Gass v. Stinson, 2 Sumner's C. C. R. 605.*

A certified statement of a balance due, and the report thereof to the comptroller, is not such a transcript from the books and proceedings of the treasury as may be given in evidence under the 2d section of the act of March 3, 1797. *United States v. Patterson, Gilpin's D. C. R. 47.*

The letters and transactions between the officers of the government, and a debtor to the United States, relative to his account, may be given in evidence under a plea of payment. *United States v. Beattie, Gilpin's D. C. R. 97.*

The certificate of the register of the treasury department, under his hand, that certain receipts, of which copies are annexed, are on file in his office, with a certificate of the secretary of the treasury, under the seal of the department, that he is register; is not evidence. It must appear not only that the officer who gives the certificate, has the custody of the papers, but that he is authorized by law to certify them, and the register is not so authorized; a sworn copy should have been produced. *Bleeker v. Bond, 3 Wash. C. C. R. 529.*

At the treasury department, a general account had been kept with the collector or the customs from the time of his appointment; during which, different bonds had been given to the United States for each term of office. Afterwards, a statement of the account of the collector for one term of office was made out, and a transcript of their accounts was offered in evidence. The evidence was legal. *The United States v. Eckford's Ex'rs, 17 Peters' Rep. 251.*

(a) See notes as to the priority of the United States, to act of May 8, 1792, chap. 23, page 263.

for the recovery of debts now due, or hereafter to be due to the United States, in law or equity, from any person or persons whatsoever, which remedy or remedies might be used if this act was not in force.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXIII.—*An Act authorizing an expenditure and making an appropriation for the Prosecution of the Claims of certain Citizens of the United States, for Property captured by the belligerent Powers.*

[Obsolete.]

Fifty thousand dollars appropriated to prosecute claims of American citizens, in England in prize causes.

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 advance, on account of the several prize causes before the court of admiralty and court of appeals in England, a sum sufficient to defray the costs thereof, so far as the agents of the United States may have become sureties for the same. And that for defraying, during the year one thousand seven hundred and ninety-seven, that expense, and that which may be incurred in procuring from the admiralty courts of any of the belligerent powers, copies of papers relative to the property of American citizens, captured by any of the said powers, a sum not exceeding fifty thousand dollars, shall be, and hereby is appropriated, in addition to the sums which, from the appropriations for intercourse with foreign nations, have been expended under the direction of the President of the United States, in the prosecution of those claims; which sum shall be paid from any monies which may be in the treasury, not otherwise appropriated.

Costs incurred by the United States to be deducted from the sums recovered.

SEC. 2. *And be it further enacted,* That from the money which has been, or which shall be received on any claim, as aforesaid, all costs in the prosecution therefor, which have been, or which shall be incurred by the United States, shall be taken and deducted, or otherwise refunded, and shall be accounted for by the agent or agents employed therein, under the direction of the President; which account, as far as may be then had, shall be submitted to Congress at their next session.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXIV.—*An Act providing for certain Buoys, to be placed in and near the Harbor of Boston.*

Buoys to be placed in the harbor of Boston.

SECTION 1. *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 in and near the harbor of Boston, in the state of Massachusetts, upon such rocks, ledges, or shoals, as the security of navigation there most requires to be distinguished, not exceeding six larger, and ten smaller buoys, whereof the whole expense shall not exceed one thousand six hundred dollars.

Appropriation.

SEC. 2. *And be it further enacted,* That a sum not exceeding one thousand six hundred dollars, shall be, and hereby is appropriated to defray the necessary expense of the said buoys, to be paid from the duties on imports and tonnage.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXV.—*An Act extending the time for receiving on Loan the Domestic Debt of the United States.*

[Obsolete.]

Time extended to loan domestic debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the several provisions of the act, intituled "An act further extending the time for receiving

on loan the domestic debt of the United States," passed the nineteenth day of February, one thousand seven hundred and ninety-six, be, and they are hereby continued in force, until the thirty-first day of December next, and no longer: *Provided*, that nothing herein contained, shall be construed to extend to any evidence of public debt, which may be barred by any act of limitation.

APPROVED, March 3, 1797.

1796, ch. 2.

CHAP. XXVI.—*An Act to revive and continue the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to regulate the compensation of Clerks."*

STATUTE II.

March 3, 1797.

[Obsolete.]

Act continued.

Ante, p. 486.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to regulate the compensation of clerks," passed the thirtieth of May, one thousand seven hundred and ninety-six, be and the same is hereby revived and continued until the first day of January next.

SEC. 2. *And be it further enacted*, That the sum of one hundred dollars be allowed and paid to each of the principal and engrossing clerks in the office of the Secretary of the Senate, in addition to the sums allowed them by law, for the year one thousand seven hundred and ninety-six: And also, that the further sum of one hundred dollars to each of the principal and engrossing clerks employed by the Secretary of the Senate, and the clerk of the House of Representatives, be allowed and paid, for the year one thousand seven hundred and ninety-seven; also, the like sum to the sergeant-at-arms of the House of Representatives, and to each of the doorkeepers and assistant doorkeepers of the two Houses of Congress, in addition to the sums heretofore allowed by law.

Additional allowance to clerks, sergeant-at-arms and doorkeepers.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXVII.—*An Act concerning the Circuit Courts 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 from and after the expiration of the present session of Congress, the times and places of holding the several circuit courts of the United States, in the present and each succeeding year, shall be as follows, to wit:

Times of holding the circuit courts.
Act of April 29, 1802, ch. 23.

In the state of New York, at the city of New York, on the first days of April and September.

New York.

In Connecticut, at New Haven, on the thirteenth day of April, and at Hartford on the seventeenth day of September.

Connecticut.

In Vermont, at Windsor, on the first day of May, and at Rutland, on the third day of October.

Vermont.

In New Hampshire, at Portsmouth, on the nineteenth day of May, and at Exeter, on the second day of November.

New Hampshire.

In Massachusetts, at Boston, on the first day of June, and twentieth day of October.

Massachusetts.

In Rhode Island, at Newport, on the fifteenth day of June, and at Providence on the fifteenth day of November.

Rhode Island.

In New Jersey, at Trenton, on the first days of April and October.

New Jersey.

In Pennsylvania, at Philadelphia, on the eleventh days of April and October.

Pennsylvania.

In Delaware, at New Castle, on the twenty-seventh day of June, and at Dover, on the twenty-seventh day of October.

Delaware.

In Maryland, at Annapolis, on the seventh day of May, and at Baltimore, on the seventh day of November.

Maryland.

In Virginia, at Richmond, on the twenty-second days of May and November.

Virginia.

Georgia.

In Georgia, at Savannah, on the twentieth day of April, and at Augusta, on the eighth day of November.

South Carolina.

In South Carolina, at Charleston, on the sixth day of May, and the twenty-fifth day of October.

North Carolina.

In North Carolina, at Raleigh, on the first day of June, and on the thirtieth day of November: *Provided*, that if any of these days shall happen on a Sunday, the court shall be held on the day following.

Certain acts repealed.

Act of April 13, 1792, ch. 21.

Ante, p. 395.

District courts to be held at Newbern.

SEC. 2. *And be it further enacted*, That the fifth section of an "act for altering the times of holding the circuit courts, in certain districts of the United States, and for other purposes," and the third, fourth, fifth and sixth sections of "An act making certain alterations in the act for establishing the judicial, and altering the time and place of holding certain courts," be, and the same are hereby repealed; and that the stated district courts of North Carolina, shall, in future, be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That all such process of the several district courts, within the said district, as before the passing of this act shall have issued, and all recognizances made, returnable to any of the said several district courts; and all suits and other proceedings, that were continued, and are depending therein, shall now be returned and held continued to the district court of the said state, to be holden at Newbern, on the first Monday in April next; and shall therein be tried, and otherwise proceeded on, according to law; and the dockets and records of the said several district courts, shall be hereafter kept at Newbern, aforesaid. And, to the end, that suitors, witnesses, and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of North Carolina is hereby required to make the same known, by proclamation, on or before the twenty-third day of the present month.

Process how returnable.

SEC. 4. *And be it further enacted*, That all proceedings, and process depending, in, or issuing out of any of the said courts, which are or may be made returnable to any other times and places appointed for holding the same, than those above specified, shall be deemed legally returnable on the days and at the places above specified, and not otherwise. And all suits and other proceedings in any of the said courts, which stand continued to any other times and places than those above specified, shall be deemed continued to the times and places prescribed by this act, and no other.

District judge may issue a venire.

SEC. 5. *Provided, and be it further enacted*, That if in consequence of any alterations made by this act, it shall appear expedient to the district judge of any of the districts where such alterations are made as aforesaid, that a new venire should issue for the summoning of jurors to attend the circuit court of such district, which is to be first held after the present session of Congress, it shall be lawful for him to direct the clerk of the said circuit court to issue a venire accordingly, for the summoning of such number of jurors as the said district judge shall think fit, and from such parts of the district as shall appear to him most suitable to the convenience of the people thereof, giving reasonable notice of the time and place of attendance.

Time of holding district courts in Kentucky.

SEC. 6. *And be it further enacted*, That from and after the first day of September next, the present terms for holding the district court, in the Kentucky district, shall cease, and thereafter the said court shall be holden on the second Monday in March, the third Monday in June, and the third Monday in November, annually.

APPROVED, March 3, 1797.

RESOLUTIONS.

March 2, 1797.

I. RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be requested to adopt some speedy and effectual means of obtaining information from the states of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution concerning the suability of states; if they have, to obtain the proper evidences thereof.

APPROVED, March 2, 1797.

President to call on certain states respecting an amendment to the Constitution.

March 3, 1797.

II. RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the five hundred copies of the laws of the United States, directed to be printed by the act, intituled "An act for the more general promulgation of the laws of the United States," and which were, by the said act, reserved for the future disposition of Congress, shall be distributed by the Secretary of State, in the manner following: One set shall be delivered to George Washington, now President of the United States; to the President of the United States; to the Vice President of the United States, and to each of the members of the Senate and House of Representatives; six sets shall be delivered to the Secretary of the Senate, and twelve sets to the clerk of the House of Representatives; one set shall be delivered to each of the Judges of the Supreme Court; to each of the Judges of the District Courts; and to each of the Marshals and Attornies of each district; one set shall be delivered to the Secretary of State; to the Secretary of the Treasury; to the Secretary of War; to the Attorney General; to the Director of the Mint; to the Comptroller of the Treasury; to the Commissioner of the Revenue; to the Register; to the Auditor; to the Accountant of the War Department, and to the Postmaster General, and the Purveyor of Public Supplies; one set shall be delivered to the Governor and to the Secretary of the Territory north-west of the Ohio, and to each of the Judges thereof; one set shall be delivered to each Collector, Naval Officer and Surveyor, and to each Supervisor and Inspector of the Revenue, in the United States.

Mode of distributing laws of United States.

SEC. 1. *And be it further resolved*, That in case of the death, resignation, or dismissal from office, of either of the officers before mentioned, excepting the President and Vice President of the United States, the members of the Senate and House of Representatives, and the Judges of the Supreme and District Courts, the said copies of the laws of the United States, delivered to them as aforesaid, shall belong to their respective successors in the said offices.

APPROVED, March 3, 1797.