

ACTS OF THE FIFTH 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 thirteenth day of November, 1797, and ended on the sixteenth day of July, 1798.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; THEODORE SEDGWICK, President of the Senate pro tempore, from June 27th; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE II.

Dec. 15, 1797.

[Obsolete.]

July 6, 1797,

ch. 11.

Commencement of the duties postponed until after 30th June, 1798.

CHAPTER I.—*An Act to postpone, for a limited time, the commencement of the duties imposed by the act intituled "An act laying duties on stamped vellum, parchment and paper."*

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 laying duties on stamped vellum, parchment and paper," as directs that the duties imposed by that act shall be levied, collected and paid "from and after the thirty-first day of December next," shall be, and the same hereby is repealed; and that the duties aforesaid shall be levied, collected and paid, from and after the thirtieth day of June next, and not sooner; to which last mentioned day, all notices, certificates and other matters or things, directed by the said act and having respect to the commencement or collection of the said duties, or any of them, shall relate.

APPROVED, December 15, 1797.

STATUTE II.

Jan. 15, 1798.

[Obsolete.]

Appropriations relative to the War Department.

CHAP. II.—*An Act making certain partial appropriations for the year one thousand seven hundred and ninety-eight.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of one hundred thousand dollars shall be, and the same hereby is appropriated towards defraying the expenses during the year one thousand seven hundred and ninety-eight, of the quartermaster's, and Indian departments, of the defensive protection of the frontiers, of bounties; and of the contingent charges of the war department; and a like sum towards defraying the expenses, during the said year, of the subsistence of the officers, non-commissioned officers, and privates of the army of the United States.

SEC. 2. *And be it further enacted,* That the sum of fifty-two thousand dollars be, and the same hereby is appropriated for paying and discharging such awards as have been, or may be made, pursuant to the seventh article of the Treaty of Amity, Commerce, and Navigation between the United States and Great Britain, in favour of British subjects, whose property has been captured within the jurisdiction of the United States, or by vessels armed or fitted out therein.

For awards in favour of British subjects under seventh article of the treaty of amity, &c.

SEC. 3. *And be it further enacted,* That the aforesaid sums shall be paid and discharged out of any monies in the treasury of the United States, not otherwise appropriated. How to be paid.

APPROVED, January 15, 1798.

STATUTE II.

CHAP. VI.—*An Act for allowing a compensation to the Doorkeeper of the Senate, and his assistant, for their services during the late Session of Congress.*

Jan. 20, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to James Mathers, the doorkeeper of the Senate, two hundred dollars, and to Cornelius Maxwell, his assistant, one hundred and eighty dollars, as a compensation for their services during the late session of Congress.

APPROVED, January 20, 1798.

STATUTE II.

CHAP. VIII.—*An Act to prescribe the mode of taking Evidence in cases of contested Elections for Members of the House of Representatives of the United States, and to compel the attendance of Witnesses.*

Jan. 23, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where any person, from and after the passing of this act, shall intend to contest an election for any member or members of the House of Representatives of the United States, or to support any such election so intended to be contested, and shall be desirous of obtaining testimony respecting such election, it shall be lawful for such person to make application to any judge of the courts of the United States, or to any chancellor, justice, or judge of a superior or county court, or court of common pleas of any state, or to any mayor, recorder or intendant of a town or city, who shall, thereupon, issue his warrant of summons, directed to all such witnesses as shall be named to him by such applicant, or his agent duly authorized for that purpose, and requiring the attendance of such witnesses, before him, at some convenient time and place, to be expressed in the warrant, in order to be then and there examined, in the manner herein after provided, touching the subject matter of the aforesaid application.

Chancellor, justice or judge of Superior or County Court, &c. to issue summons to witnesses.

Act of April 22, 1800, ch. 28.

SEC. 2. *And be it further enacted,* That every such witness, as is above-mentioned, shall be duly served with such warrant, by a copy thereof being delivered to him or her, or left at his or her usual place of abode; and that such service shall be made a convenient time before the day on which the attendance of such witness is required, which time the magistrate issuing the warrant is hereby authorized and required to fix, for each witness, at the time of issuing it, having respect to the circumstances of such witness, and the distance of his or her residence from the place of attendance.

Manner of serving summons on witnesses.

SEC. 3. *And be it further enacted,* That any person, being summoned in the manner above directed, and refusing or neglecting to attend, pursuant to such summons, unless in case of sickness, or other unavoidable accident, shall forfeit and pay the sum of twenty dollars, to be recovered with costs of suit, by the party at whose instance the warrant of summons was issued, and for his use, by action of debt in any court, or before any other tribunal of the United States, or any state, having jurisdiction to the amount of such penalty.

Penalty on not attending in pursuance of summons.

SEC. 4. *And be it further enacted,* That the magistrate issuing the aforesaid warrant of summons, shall, at the time of issuing it, cause to be made out, under his hand, and delivered to the said applicant, or his agent authorized as aforesaid, a notification directed to the opposite party, and stating the time and object of the aforesaid application, the name of the applicant, and the time and place fixed for the examination

Notification to the opposite party.

Manner of serving notification.

Proof of service thereof.

Witnesses to be examined on oath or affirmation.

Testimony to be reduced to writing,

and transmitted to the clerk of the House of Representatives, with a copy of the summons, &c.

What proceedings are to be had in case of inability of the Chancellor, &c. to attend the examination.

Two justices of the peace empowered to act in certain cases.

Allowance to witnesses.

of the witnesses; which notification the said applicant, or his agent as aforesaid, shall cause to be served on the said opposite party, by delivering to him or leaving at his usual place of abode, a copy thereof, a convenient time before the day fixed for the aforesaid examination; which time the magistrate granting the said notification shall fix, at the time of granting it, having respect to the distance of the said party's place of residence from that appointed for the examination; which examination shall not be proceeded in, unless proof be made by affidavit in writing, of the due service of such notification, or unless the party on whom such service is hereby directed to be made, shall attend at the time and place aforesaid, by himself or his agent duly authorized; and consent to the said examination; which consent shall be certified by the magistrate.

SEC. 5. *And be it further enacted,* That all witnesses who shall attend, pursuant to the said summons, and all other witnesses who shall be produced at the time and place aforesaid, by either of the parties, or their or either of their agents duly authorized, shall then and there be examined on oath or affirmation, by the magistrate, who issued the warrant of summons aforesaid, or, in case of his absence, by any other such magistrate as is authorized by this act to issue such warrant, touching all such matters and things respecting the election about to be contested, as shall be proposed by either of the parties aforesaid, or by their, or either of their agents duly authorized; the testimony given on which examination, together with the questions proposed by the parties aforesaid, or their agents, or either of them, to the witnesses, respectively, the said magistrate is hereby authorized and required to cause to be reduced to writing, in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses, respectively: after which he shall transmit the said testimony, duly certified under his hand, covered and sealed up, to the clerk of the House of Representatives of the United States, for the time being, together with a copy of the warrant of summons and notification issued in that behalf, and the original affidavit proving the service of such notification.

SEC. 6. *And be it further enacted,* That in case any judge, justice, chancellor, mayor, recorder or intendant as is aforesaid, to whom the application herein mentioned shall be made, shall, by reason of sickness, necessary absence, or unavoidable accident, be rendered unable to attend at the time and place fixed for the examination aforesaid, it shall be lawful for him to certify the matter, and the proceedings had by him in that behalf, to any other magistrate of any of the descriptions aforesaid, which said magistrate thereupon, shall be, and hereby is authorized to attend at such time and place, and to proceed touching the said examinations, in all respects, as the magistrate issuing the warrant of summons, might have done, by virtue of this act.

SEC. 7. *And be it further enacted,* That where no such magistrate as is herein authorized to receive applications as aforesaid, and proceed upon them, shall reside within any district for which an election about to be contested shall have been held, it shall be lawful to make such application to any two justices of the peace residing within the said district, who are hereby authorized in such case, to receive such application, and jointly to proceed upon it in the manner herein before directed.

SEC. 8. *And be it further enacted,* That every witness attending by virtue of such warrant of summons as is herein directed to be issued, shall be allowed the sum of seventy-five cents for each day's attendance, and the further sum of five cents, for every mile necessarily travelled in going and returning, which allowance shall be ascertained and certified by the magistrate taking the examination, and shall be paid by the party at whose instance such witness was summoned: And such witness shall have an action for the recovery of the said allowance, before any court or magistrate having competent jurisdiction, according to the laws of the

United States, or of any state, in which action the certificate of the magistrate taking the said examinations shall be evidence.

SEC. 9. *And be it further enacted*, That each judge, justice, chancellor, mayor, recorder, intendant and justice of the peace, who shall be necessarily employed, pursuant to the directions of this act, and all sheriffs, constables, or other officers who may be employed to serve any of the warrants of summons or notifications herein provided for, shall have and receive from the party at whose instance such service shall have been performed, such fee or fees, as are or may be allowed for similar services in the states wherein such service shall be rendered, respectively.

Fees to the officers employed.

SEC. 10. *And be it further enacted*, That this act shall continue and be in force until the end of the first session of the sixth Congress, and no longer.

Limitation.

APPROVED, January 23, 1798.

STATUTE II.

CHAP. X.—*An Act to amend the several acts for laying duties on Spirits distilled within the United States, and on Stills.*

Jan. 29, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, it shall be lawful for all owners of stills within the United States, which shall have been duly entered according to law, to make their election, at any time of the year, both as to the rate of duty which they may choose to pay for the employment of their said stills, whether for a year, or for such other shorter period, as may be allowed by law; and also, as to the time of commencing such employment.

Owners of stills to elect as to the time they will pay duties.

Repealed April 6, 1802.

APPROVED, January 29, 1798.

STATUTE II.

CHAP. XI.—*An Act supplementary to the act intituled "An act regulating Foreign Coins, and for other purposes."*

Feb. 1, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of an act, intituled "An act regulating foreign coins, and for other purposes," be, and the same is hereby suspended, for and during the space of three years from and after the first day of January, one thousand seven hundred and ninety-eight, and until the end of the next session of Congress thereafter, during which time the said gold and silver coins shall be and continue a legal tender, as is provided in and by the first section of the act aforesaid; and that the same coins shall thereafter cease to be such tender.

Act of Feb. 9, 1793, ch. 5.
Act of Feb. 9, 1793, suspended.
1802, ch. 33.

APPROVED, February 1, 1798.

STATUTE II.

CHAP. XIV.—*An Act appropriating a certain sum of Money to defray the expense of holding a Treaty or Treaties with the Indians.*

Feb. 27, 1798.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That a sum not exceeding twenty-five thousand eight hundred and eighty dollars, be appropriated to defray the expense of such treaty or treaties, as the President of the United States shall deem expedient to hold with the Indians: *Provided*, nothing in this act contained shall be construed to admit an obligation on the part of the United States to extinguish, for the benefit of any state or individual citizen, Indian claims to any lands lying within the limits of the United States, and that the compensations to be allowed to any of the commissioners appointed, or who may be

\$25,880 appropriated.

Proviso.

appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day, during the time of actual service of such commissioner.

SEC. 2. *And be it further enacted*, That the sum aforesaid shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 27, 1798.

STATUTE II.

March 14, 1798. CHAP. XV.—*An Act to provide for the Widows and Orphans of certain deceased Officers.*

[Obsolete.]

Ante, p. 390.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions for widows and orphans of commissioned officers of troops of the United States, contained in the first section of the law passed on the seventh day of June, one thousand seven hundred and ninety-four, intituled "An act in addition to the act making further and more effectual provision for the protection of the frontiers of the United States," be and the same are hereby extended to the widows and orphan children of commissioned officers of the troops of the United States, and of the militia, who have died by reason of wounds received since the fourth day of March, one thousand seven hundred and eighty-nine, in the actual service of the United States: *Provided*, application shall be made within two years after the end of the present session of Congress.

APPROVED, March 14, 1798.

STATUTE II.

March 14, 1798. CHAP. XVI.—*An Act for the erection of a Lighthouse, and placing Buoys at the several places therein mentioned.*

Lighthouse to be erected on Eaton's Neck.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as the jurisdiction of so much of the head land of Eaton's Neck on Nassau Island, in the state of New York, as the President of the United States shall deem sufficient and most convenient for the purpose of erecting a lighthouse, and its appurtenances, shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse thereon, and furnishing the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building the said lighthouse: and the President is hereby authorized to make the said appointments.

Buoys to be placed near Sandy Hook, Goat Island and Nantucket.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized and directed to cause to be placed, six buoys on the shoals called the east and west banks, and the middle ground, near Sandy Hook off the harbor of New York, and two buoys on the north and south points of Goat Island, near the entrance of the harbor of Newport, in the state of Rhode Island: and also, to cause to be placed such number of buoys as may be necessary for the security of the navigation in and near the harbor of Nantucket, in the state of Massachusetts.

Appropriation therefor.

SEC. 3. *And be it further enacted*, That there be appropriated and paid, out of the monies arising from the duties on imports and tonnage, a sum not exceeding thirteen thousand two hundred and fifty dollars, for the purposes aforesaid.

APPROVED, March 14, 1798.

CHAP. XVII.—*An Act providing the means of intercourse between the United States and foreign nations.*(a)

STATUTE II.
March 19, 1798.

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 shall be, and he hereby is authorized to draw from the treasury of the United States, a sum not exceeding forty thousand dollars, annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided,* that, exclusive of an outfit, which shall, in no case, exceed the amount of one year's full salary to the minister plenipotentiary, or chargé des affaires, to whom the same may be allowed, the President shall not allow to any minister plenipotentiary, a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum, to a chargé des affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars per annum, to the secretary of any minister plenipotentiary.

[Expired.]
President authorized to draw from the Treasury, \$40,000, annually.

Outfit of agents to foreign countries, equal to one year's full salary.

Limits of their compensation.
\$9000 to a minister plenipotentiary, \$4,500 to a chargé des affaires.

Manner of accounting for monies issued under the act.

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

Further appropriation for the year 1798.

SEC. 3. *And be it further enacted,* That for defraying the expenses of intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-eight, there be further appropriated, in addition to the aforesaid sum of forty thousand dollars, and out of any monies in the treasury of the United States not otherwise appropriated, the sum of twenty-eight thousand six hundred and fifty dollars.

Act of July 1, 1790, ch. 22.

SEC. 4. *And be it further enacted,* That the act passed on the first day of July, in the year one thousand seven hundred and ninety, intitled "An act providing the means of intercourse between the United States and foreign nations," and the act passed on the ninth day of February, in the year one thousand seven hundred and ninety-three, intitled "An act to continue in force for a limited time, and amend the act, intitled An act providing the means of intercourse between the United States and foreign nations," shall be, and they hereby are repealed.

1793, ch. 4.

SEC. 5. *And be it further enacted,* That this act shall be and remain in force until the end of the first session of the sixth Congress, and no longer.

Limitation of the act.

APPROVED, March 19, 1798.

(a) An act to ascertain the compensation of foreign ministers, May 10, 1800, chap. 56; an act fixing the compensation of public ministers, and of consuls residing on the coast of Barbary, and for other purposes, May 1, 1810, chap. 44.

STATUTE II.

March 19, 1798.

[Obsolete.]
Specific ap-
propriations.

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

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the expenditure of the civil list; for the support of consuls to the coast of Barbary; for the support of the mint establishment, lighthouses, beacons, buoys and public piers, for the year one thousand seven hundred and ninety-eight; and to satisfy certain miscellaneous claims stated in the report of the secretary of the treasury, of the eighth day of December, one thousand seven hundred and ninety-seven, 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:—For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety thousand, one hundred and seventy-five dollars.

For the expense of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, thirteen 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 expense 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 prosecution 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, nine thousand one hundred and sixty-two dollars and thirty-four cents.

For incidental and contingent expenses in the said department, six thousand five hundred and eighty dollars.

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

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, eleven thousand eight 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, clerks, and other persons employed in his office, four thousand six hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and all 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 nine hundred and twenty-five dollars.

For expense of stationery, printing and all 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 five 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 six hundred and twenty-five dollars. Specific appropriations.

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 of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For the payment of rent for the several houses employed in the Treasury department, (except the Treasurer's office,) two thousand seven hundred and thirty dollars and sixty-six 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-eight, one thousand dollars.

For defraying the expense incident to the removal of the books and records of the Treasury department, and for the rent of a house for several of the offices near Gray's Ferry, on the Schuylkill, during part of the summer of the year one thousand seven hundred and ninety-seven, four hundred and fifty-four dollars and forty-one cents.

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

For compensation to the Secretary of War, clerks and persons employed in his office, eight thousand one hundred 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 of the War department, clerks and persons employed in his office, seven thousand seven hundred and fifty dollars.

For contingent expenses in the office of the Accountant of 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," in addition to former appropriations, eight thousand dollars. 1796. ch. 29.

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.

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. 14.

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,

Specific ap-
propriations.

and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the compensations to Consuls to Barbary powers, for six months, the former appropriation being for one year, five thousand 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 at five hundred dollars each, one thousand five hundred dollars.

For the wages of persons employed at the different branches of melting, refining, coining, carpenters, millwrights and smiths' 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, six thousand dollars.

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

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns, and of the lamps and materials used in them, including an allowance for the increased number of lighthouses, and for the advanced price of spermaceti oil, thirty-six thousand dollars.

For the balance carried to the "surplus fund," of an appropriation for building a lighthouse near the entrance of Georgetown harbour, in the state of South Carolina, five thousand dollars.

For the additional expense estimated as necessary for erecting the said lighthouse, two thousand dollars.

For the payment of Nicholas Fish, supervisor of the revenue for the district of New York, so much short of an appropriation for the purchase of land at Montock-point, in the state of New York, for the purpose of erecting a lighthouse thereon, two hundred and fifty-five dollars and twelve cents.

For the purchase of presses, the engraving of dies, and other expenses incident to the preparations made and to be made, for executing the act intitled "An act laying duties on stamped vellum, parchment and paper," passed the sixth day of July, one thousand seven hundred and ninety-seven, nine thousand dollars.

For the expense incurred by the committee of the House of Representatives, on the impeachment of William Blount; for the compensation of the members, and for incidental charges as estimated by the chairman of the committee, two thousand six hundred and twenty-six dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in a 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.

SEC. 3. *And be it further enacted*, That there shall be, and hereby is further appropriated, to be paid out of any monies in the treasury of

Ante, p. 527.

Ante, p. 138.

the United States not otherwise appropriated, the following sums, to wit:

For the payment of awards by the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce and navigation, between the United States and Great Britain, relative to the debts due by citizens of the United States, to British subjects, three hundred thousand dollars.

For defraying the extraordinary expenses of ascertaining the river St. Croix, under the fifth article of the said treaty, twelve thousand dollars.

For defraying the extraordinary expense of running and marking the boundary line between the territories of the United States and Spain, twelve thousand dollars.

APPROVED, March 19, 1798.

Specific appropriations.

STATUTE II.

CHAP. XX.—*An Act to amend the act intituled "An act laying duties on stamped vellum, parchment and paper."*

March 19, 1798.

[Repealed.]

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, other than officers employed in collecting the revenue of the United States, shall apply to any supervisor or inspector of the said revenue, at the office of such supervisor or inspector, for the purchase, at one time, of any quantity of vellum, parchment, or paper, stamped and marked in the manner directed by the act, intituled "An act laying duties on stamped vellum, parchment and paper," the whole amount of the duties on which quantity shall be ten dollars, or upwards, such supervisor or inspector shall be, and hereby is authorized and required to deliver to such person, such quantity of vellum, parchment or paper, stamped as aforesaid; the said person paying down the amount of the said duties, after deducting therefrom seven and one half per centum on such amount; which deduction the said supervisor or inspector is hereby authorized and required to allow.

Deduction on the purchase of stamped paper, &c. where the duties amount to more than \$10.

Ante, p. 527.

SEC. 2. *And be it further enacted,* That whenever any stamped vellum, or parchment, shall be applied for, and delivered, in the manner aforesaid, the said purchaser, in order to become entitled to the aforesaid deduction, shall pay to the said supervisor, or inspector, in addition to the amount of the said duties, a reasonable rate for and on account of the price of the said vellum, or parchment, which rate the Secretary of the Treasury is hereby authorized and required to fix, as nearly as may be, according to the actual cost of those articles.

In such case purchaser to pay the value of the vellum also, which shall be fixed by the Secretary of the Treasury.

SEC. 3. *And be it further enacted,* That whenever any person, other than officers employed in the collection of the revenue of the United States, shall bring any vellum, parchment, or paper, to be stamped, in the manner directed by the aforesaid act, in any quantity, at one time, the whole amount of the duties for stamping which shall be ten dollars, or upwards, the officer stamping such vellum, parchment or paper, pursuant to the directions of the said act, shall be, and hereby is authorized and required to make to such person the same allowance and deduction on the amount of the said duties, as is directed by the first section of this act, to be made in the cases therein mentioned.

The same deduction to be made where paper is brought to be stamped.

SEC. 4. *And be it further enacted,* That the stamped paper, required by the aforesaid act to be furnished to the citizens of the United States, by the treasury department, shall be furnished at the rate of duty provided by that act, without any additional charge on account of the price of paper, or any other expense, any thing in the said act to the contrary notwithstanding; and that all paper for the purposes aforesaid, shall be furnished at the expense of the United States, by the Secretary of the Treasury department, who is hereby authorized to employ annually a

No additional charge for the paper.

Secretary of the Treasury to

employ a sufficient sum for the purchase of paper, &c.

Provided that the price of vellum and parchment shall be paid by applicants, in addition to the duties.

Stamp duties on debentures, repealed; and in lieu thereof Collectors to retain one fourth per cent on drawbacks.

Ante, p. 145.

sufficient sum for that purpose, and for the necessary purchase of vellum and parchment, out of any monies in the treasury of the United States, not otherwise appropriated: *Provided always*, that nothing herein contained, shall be so construed, as to require the treasury department to furnish any stamped vellum, or parchment, without an additional charge for the price of those materials, over and above the duty on the stamp; which price, in all cases where stamped vellum, or parchment, shall be furnished, the secretary of that department is hereby authorized and required to fix, as nearly as may be, according to the actual cost of those articles, respectively.

SEC. 5. *And be it further enacted*, That so much of the aforesaid act as relates to stamp duties on "any certificate or debenture for drawback of customs or duties," shall be, and the same is hereby repealed; and that in lieu of the said stamp duties, one fourth per centum on the amount of all drawbacks, allowed by law, on the exportation of goods, wares, and merchandise imported, shall be retained for the use of the United States, by the collectors paying such drawbacks; and in addition to the sum of one per centum directed to be so retained by the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandises imported into the United States, and on the tonnage of ships or vessels."

APPROVED, March 19, 1798.

STATUTE II.

March 27, 1798.

CHAP. XXI.—*An Act declaring the consent of Congress to an Act of the Commonwealth of Massachusetts.*

Consent of Congress to an Act of the Commonwealth of Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be and hereby is granted and declared to the operation of an act of the legislature of the commonwealth of Massachusetts made and passed the second day of February, one thousand seven hundred and ninety-eight, intituled "An act to incorporate Tobias Lord, Oliver Keating, Thatcher Godard and others for the purpose of keeping in repair a pier, at the mouth of Kennebunk river, and to grant them a duty for reimbursing the expense of erecting the same."

APPROVED, March 27, 1798.

STATUTE II.

March 27, 1798.

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

[Expired.]

Consent of Congress to an Act of the Legislature of Maryland for the appointment of a health officer.

See act of Feb. 27, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby granted and declared to the operation of an act of the general assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health-officer for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid, to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in the said act intended.

SEC. 2. *And be it further enacted*, That this act shall be in force for one year from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED March 27, 1798.

CHAP. XXIII.—*An Act for an additional appropriation to provide and support a Naval Armament.*

STATUTE II.
March 27, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be and there hereby are appropriated a further sum, not exceeding one hundred and fifteen thousand eight hundred and thirty-three dollars, to complete and equip for sea, with all convenient speed, the frigates, the United States, the Constitution and the Constellation; and a further sum, not exceeding two hundred and sixteen thousand six hundred and seventy-nine dollars for the pay and subsistence, for the term of one year, of the officers and crews which are, or shall be engaged in the service of the United States on board the said frigates, in addition to the sums heretofore appropriated for those purposes, respectively, remaining unexpended; also, a sum, not exceeding sixty thousand dollars, to defray the wear, losses, expenditures of ammunition, and other current and contingent expenses of the naval armament; also a sum not exceeding two thousand two hundred dollars, to defray the salaries of persons having charge of the navy yards at Norfolk, New York, and Portsmouth; and for the rents of the same.

[Obsolete.]
Additional appropriations for completing and equipping the frigates.

For pay and subsistence of the officers and crews thereof;

For contingencies of the naval armament;
For salaries of officers and rent of the navy yards.

Out of what fund the monies are to be paid.

SEC. 2. *And be it further enacted,* That the sums hereby appropriated, shall be paid and discharged out of the surplus revenue and income of the current year, not before appropriated.

APPROVED, March 27, 1798.

STATUTE II.

CHAP. XXIV.—*An Act to continue in force the fifth section of an act intituled "An act in addition to the act intituled, An act to establish the Post-Office and Post Roads within the United States."*

March 28, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth section of the act, intituled "An act in addition to the act, intituled An act to establish the post-office and post roads within the United States," which section will expire on the thirty-first day of March, one thousand seven hundred and ninety-eight, shall be, and the same is hereby continued in force to the third day of March next.

[Expired.]
Fifth section of the Act of March 3, 1797, continued to March 3, 1799.

APPROVED, March 28, 1798.

STATUTE II.

CHAP. XXV.—*An Act to continue in force for a limited time, a part of an act intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas."*

April 7, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirteenth section of the act passed on the fifth day of June, one thousand seven hundred and ninety-four, and intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines and teas," be, and the same hereby is continued in force, until the end of the first session of the sixth Congress.

[Expired.]
Act of June 5, 1794, continued to the end of the sixth Congress.

1794, ch. 49.

APPROVED, April 7, 1798.

STATUTE II.

CHAP. XXVI.—*An Act for the relief of the Refugees from the British provinces of Canada and Nova Scotia.*(a)

April 7, 1798.

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

(a) The subsequent acts on this matter, are: Act of February 18, 1801; act of March 3, 1803; act of February 24, 1810; act of April 23, 1812.

Notice to be given by the Secretary of the Treasury to claimants.

to satisfy the claims of certain persons claiming lands under the resolutions of Congress, of the twenty-third of April, one thousand seven hundred and eighty-three, and the thirteenth of April, one thousand seven hundred and eighty-five, as refugees from the British provinces of Canada and Nova Scotia, the Secretary for the department of War be, and is hereby authorized and directed to give notice in one or more of the public papers, of each of the states of Vermont, Massachusetts, New York, New Hampshire, and Pennsylvania, to all persons having claims under the said resolutions, to transmit to the war office, within two years after the passing of this act, a just and true account of their claims to the bounty of Congress.

What description of persons shall be entitled to the benefit of this act.

SEC. 2. *And be it further enacted*, That no other persons shall be entitled to the benefit of the provisions of this act, than those of the following descriptions, or their widows and heirs, viz : First, those heads of families, and single persons, not members of any such families, who were residents in one of the provinces aforesaid, prior to the fourth day of July, one thousand seven hundred and seventy-six, and who abandoned their settlements, in consequence of having given aid to the United Colonies or States, in the revolutionary war against Great Britain, or with intention to give such aid, and continued in the United States, or in their service, during the said war, and did not return to reside in the dominions of the king of Great Britain, prior to the twenty-fifth of November, one thousand seven hundred and eighty-three. Secondly, the widows and heirs of all such persons as were actual residents, as aforesaid, who abandoned their settlements as aforesaid, and died within the United States, or in their service, during the said war : And thirdly, all persons who were members of families at the time of their coming into the United States, and who, during the war, entered into their service.

Before whom proof of facts may be taken.

SEC. 3. *And be it further enacted*, That the proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme or district court of the United States, or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas or county court of any state.

Secretary of War and Secretary and Comptroller of the Treasury to examine and report upon the claims.

SEC. 4. *And be it further enacted*, That at the expiration of fifteen months from and after the passing of this act, and from time to time thereafter, it shall be the duty of the Secretary for the department of War, to lay such evidence of claims as he may have received, before the secretary and comptroller of the treasury, and with them, proceed to examine the testimony, and give their judgment what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices and sufferings, in consequence of their attachment to the cause of the United States ; allowing to those of the first class, a quantity not exceeding one thousand acres ; and to the last class, a quantity not exceeding one hundred, making such intermediate classes as the resolutions aforesaid, and distributive justice, may, in their judgment, require ; and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such services for the United States, that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio : *Provided*, that in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States, or individual states, shall be considered at the just value thereof, at the time the same were made, respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same : *Provided also*, that no claim under this law

In what manner their judgment thereon is to be regulated.

shall be assignable until after report made to Congress, as aforesaid, and until the said lands be granted to the persons intitled to the benefit of this act.

Claims not assignable until grants are made.

SEC. 5. *Be it further enacted*, That all claims, in virtue of said resolutions of Congress, which shall not be exhibited as aforesaid, within the time by this act limited, shall forever thereafter be barred.

Limitation of claims.

APPROVED, April 7, 1798.

STATUTE II.

CHAP. XXVII.—*An Act to continue in force, the act, intituled "An act prohibiting, for a limited time, the exportation of arms and ammunition; and for encouraging the importation thereof."*

April 7, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first, second, third and fourth sections of the act, intituled "An act prohibiting, for a limited time, the exportation of arms and ammunition; and for encouraging the importation thereof," be, and are hereby continued in force for one year from and after the present session of Congress, and from thence to the end of the next session of Congress thereafter, and no longer.

[Expired.]
Four first sections continued.

Ante, p. 520.

SEC. 2. *And be it further enacted*, That the fifth section of the said act, except so much thereof as relates to the importation of sulphur and saltpetre, be, and is hereby continued in force for one year from and after the fourteenth day of June next, and from thence to the end of the next session of Congress thereafter, and no longer; and that so much of the said fifth section, as relates to the importation of sulphur and saltpetre, be, and is hereby continued in force for one year from and after the fourteenth day of June, in the year of our Lord one thousand eight hundred, and from thence to the end of the next session of Congress thereafter, and no longer.

Part of the fifth section continued.

The remaining part of the fifth section continued.

APPROVED, April 7, 1798.

STATUTE II.

CHAP. XXVIII.—*An Act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory.*

April 7, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized to appoint three commissioners; any two of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the state of Georgia, all interfering claims of the United States and that state, to territory situate west of the river Chatahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States by South Carolina: And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the state of Georgia, and out of the ordinary jurisdiction thereof.

Act of May 1800, ch. 50.

President authorized to appoint Commissioners to adjust the interfering claims to certain territory;

and to receive proposals for the cession of other territory claimed by Georgia.

SEC. 2. *Be it further enacted*, That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory northwest of the river Ohio.

Lands ascertained to be the property of the United States how to be disposed of.

SEC. 3. *Be it further enacted*, That all that tract of country bounded on the west by the Mississippi; on the north by a line to be drawn due east from the mouth of the Yasous to the Chatahouchee river; on the east by the river Chatahouchee; and on the south by the

Certain territory constituted a district, to be called the Mississippi territory.

President authorized to establish a government and appoint officers therein.

thirty-first degree of north latitude, shall be, and hereby is constituted one district, to be called the Mississippi Territory: and the President of the United States is hereby authorized to establish therein a government in all respects similar to that now exercised in the territory northwest of the river Ohio, excepting and excluding the last article of the ordinance made for the government thereof by the late Congress on the thirteenth day of July one thousand seven hundred and eighty-seven, and by and with the advice and consent of the Senate to appoint all the necessary officers therein, who shall respectively receive the same compensations for their services; to be paid in the same manner as by law established for similar officers in the territory northwest of the river Ohio; and the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of governor: *Provided always*, that if the President of the United States should find it most expedient to establish this government in the recess of Congress, he shall nevertheless have full power to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the session of Congress next ensuing the establishment of the government.

Congress may hereafter divide it into two districts.

SEC. 4. *Be it further enacted*, That the territory hereby constituted one district for the purposes of government, may at the discretion of Congress be hereafter divided into two districts, with separate territorial governments in each, similar to that established by this act.

Saving of the right of Georgia and of individuals to the jurisdiction of soil thereof.

SEC. 5. *Be it further enacted*, That the establishment of this government shall in no respect impair the right of the state of Georgia, or of any person or persons either to the jurisdiction or the soil of the said territory, but the rights and claims of the said state and of all persons interested, are hereby declared to be as firm and available, as if this act had never been made.

The people of this territory to be entitled to certain rights, &c.

SEC. 6. *And be it further enacted*, That from and after the establishment of the said government, the people of the aforesaid territory, shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the territory of the United States, northwest of the river Ohio, in and by the aforesaid ordinance of the thirteenth day of July, in the year one thousand seven hundred and eighty-seven, in as full and ample a manner as the same are possessed and enjoyed by the people of the said last mentioned territory.

Penalty on the importation of slaves from foreign parts.

SEC. 7. *And be it further enacted*, That from and after the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi territory, from any port or place, without the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, and that every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of any person or persons who shall sue for the same; and that every slave, so imported or brought, shall thereupon become entitled to, and receive his or her freedom.

\$10,000 appropriated for carrying the act into effect.

SEC. 8. *And be it further enacted*, That the sum of ten thousand dollars be, and hereby is appropriated, for the purpose of enabling the President of the United States to carry into effect the provisions of this act; and that the said sum be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, April 7, 1798.

STATUTE II.
April 18, 1798.

CHAP. XXIX.—*An Act authorizing an expenditure, and making an appropriation for the reimbursement of monies advanced by the Consuls of the United States, in certain cases.*

[Obsolete.]
Secretary of State authorized to reimburse advances made by the consuls.

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 State be, and hereby is authorized, under the direction of the President of the United States, to reimburse such reasonable advances of money as have been made, or, during the present year, shall be made by the consuls of the United States, in making and supporting the claims of American citizens to captured property, before the tribunals of foreign countries; or for the relief of sick and destitute seamen in foreign countries, beyond the sum already allowed by law for that purpose.

SEC. 2. *And be it further enacted,* That for the purposes aforesaid, there be, and hereby is appropriated, a sum not exceeding thirty thousand dollars, which shall be paid from any monies which may be in the treasury, not otherwise appropriated.

\$30,000 appropriated.

APPROVED, April 18, 1798.

STATUTE II.
April 18, 1798.

CHAP. XXX.—*An Act supplementary to an act intituled "An act authorizing a loan for the use of the City of Washington, in the District of Columbia; and for other purposes therein mentioned."*

Ante, p. 461.
[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is authorized, to cause to be loaned to the commissioners appointed under the act, intituled "An act for establishing the temporary and permanent seat of the government of the United States," the sum of one hundred thousand dollars, fifty thousand of which shall be advanced in the present year, and the remaining fifty thousand shall be advanced in the year one thousand seven hundred and ninety-nine, at an interest of six per cent. per annum, to be computed upon each instalment, from the time it shall be advanced; which sum of one hundred thousand dollars is declared to be in full of the monies which the said commissioners are now authorized to borrow, under the direction of the President of the United States, by virtue of the act, intituled "An act authorizing a loan for the use of the city of Washington, in the district of Columbia; and for other purposes therein mentioned."

President may cause \$100,000 to be loaned to the commissioners of the city of Washington.

Ante, p. 130.

SEC. 2. *Be it further enacted,* That the sum herein authorized to be borrowed shall be reimbursed by instalments of one fifth part of said loan, and the interest thereon, commencing in the year one thousand eight hundred and five, and continuing, annually thereafter, till the whole shall be repaid; and all the lots in the city of Washington, now vested in the said commissioners, or in trustees, in any manner, for the use of the United States, and now remaining unsold, excepting those set apart for public purposes, shall be, and are hereby declared and made chargeable with the repayment of the sums which shall be advanced, in pursuance of this act, and the interest accruing thereon, and shall be disposed of in the manner, and under the regulations prescribed by the act herein last mentioned.

How the loan is to be reimbursed.

SEC. 3. *And be it further enacted,* That the sum of fifty thousand dollars for the present year, and of fifty thousand dollars for the next succeeding year, be, and hereby are appropriated for the purposes aforesaid, out of any money in the treasury of the United States, not otherwise appropriated.

Appropriation.

APPROVED, April 18, 1798.

STATUTE II.

April 27, 1798.

[Obsolete.]

President authorized to cause a number of armed vessels, not exceeding twelve, to be procured and fitted out.

Number and grade of officers, pay, subsistence, term of service, &c.

Ante, p. 523.

CHAP. XXXI.—*An Act to provide an additional Armament for the further protection of the trade of the United States ; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and he is hereby authorized and empowered, to cause to be built, purchased or hired, a number of vessels, not exceeding twelve, nor carrying more than twenty-two guns each, to be armed, fitted out and manned under his direction.

SEC. 2. *And be it further enacted,* That the number and grade of the officers to be appointed for the service of the said vessels, shall be fixed by the President of the United States, as well as the number of men of which the respective crews shall be composed, who, as well officers as seamen and marines, shall receive the same pay and subsistence, be entitled to the same advantages and compensations, be governed by the same rules and regulations, and be engaged for the same time, and on the same conditions, as by an act of the United States, passed the first of July, one thousand seven hundred and ninety-seven, entitled "An act providing a naval armament," is ascertained and established, as fully, as if the particular provisions of that act, having reference thereto, were herein inserted at large. *Provided always, and be it further enacted,* That the President of the United States be, and he is hereby authorized to cause the term of enlistment of the seamen and marines, to be employed in any vessel of the United States, to be extended beyond one year, if the vessel should then be at sea, and until ten days after such vessel shall arrive in some convenient port of the United States, thereafter ; any thing contained in this act, or in the act entitled "An act providing a naval armament," to the contrary notwithstanding.

SEC. 3. *And be it further enacted,* That the officers of the aforesaid vessels may, during the recess of the Senate, be appointed and commissioned by the President alone.

SEC. 4. *And be it further enacted,* That the sum of nine hundred and fifty thousand dollars be and are hereby appropriated out of any monies in the treasury of the United States, beyond the appropriations that may heretofore have been charged thereon, for the purpose of carrying the objects of this act into effect.

APPROVED, April 27, 1798.

During the recess of the Senate the President may appoint officers.

Appropriation.

STATUTE II.

April 27, 1798.

[Obsolete.]

Additional regiment shall be engaged for five years.

Organization thereof.

To form a part of the military establishment.

CHAP. XXXIII.—*An Act to provide an additional regiment of Artillerists and Engineers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an additional regiment of artillerists and engineers shall and may be engaged, by voluntary enlistments, to serve for the term of five years, unless sooner discharged, and to be organized as follows ; that is to say : There shall be one lieutenant-colonel commandant, one adjutant, one surgeon and three battalions, each to consist of one major, one adjutant and paymaster, one surgeon's mate, and four companies, of one captain, two lieutenants, two cadets with the pay, clothing and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers and miners, ten artificers to serve as privates, and two musicians in each company.

SEC. 2. *And be it further enacted,* That the additional regiment which shall be raised pursuant to this act, shall be considered as a part of the military establishment of the United States, for the time being ; and the commissioned officers, non-commissioned officers, privates, artificers and musicians, who shall engage in the said regiment, shall be entitled to the

same bounty, pay and allowances, respectively, according to their corresponding ranks, as are, or shall be by law, authorized and provided for the other parts of the same establishment, and shall be governed by the same rules and articles of war, and shall be armed and accoutred, in such manner as the President of the United States shall direct, and shall and may be employed by him, in detachments, or otherwise, in the field, or the fortifications upon the sea coast, as, in his opinion, the public service shall require.

Bounty, pay, &c.

SEC. 3. *And be it further enacted*, That the Secretary of War shall provide, at the public expense, under the direction of the President of the United States, all necessary books, instruments and apparatus, for the use and benefit of the said regiment.

Necessary books, &c. to be provided.
Repealed
March 16, 1802.

APPROVED, April 27, 1798.

STATUTE II.

CHAP. XXXIV.—*An Act for erecting Lighthouses, and placing buoys and stakes at the places therein mentioned.*

April 27, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as a cession shall be made by the state of Virginia to the United States, of the jurisdiction over a tract of land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to provide, by contract, to be approved by the President of the United States, for building a lighthouse on Old Point Comfort, in the said state, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same, and that the President be authorized to make the said appointments; and also, that the Secretary of the Treasury be authorized to cause six buoys to be placed near the entrance of Portland harbor, in the state of Massachusetts, at such places as, in his opinion, will best secure the navigation of the said port; and to cause the channel of Warren river, from Narraganset Bay, to the port of Warren, in the state of Rhode Island, to be staked out and distinctly marked.

Lighthouse to be built on Old Point Comfort.

Buoys to be placed near the entrance of Portland Harbor.
Warren river to be staked.

SEC. 2. *And be it further enacted*, That there be appropriated and paid, out of the monies arising from imports and tonnage, the sum of three thousand and fifty dollars, for the purposes aforesaid.

Appropriation.

APPROVED, April 27, 1798.

STATUTE II.

CHAP. XXXV.—*An Act to establish an Executive department, to be denominated the Department of the Navy.*

April 30, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be an executive department under the denomination of the Department of the Navy, the chief officer of which shall be called the Secretary of the Navy, whose duty it shall be to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials and the construction, armament, equipment and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States.(a)

Department of the Navy.
Secretary of the Navy—his duty.

(a) The acts relating to the establishment of the department of the Navy, are: An act to establish an executive department to be denominated the Department of the Navy, April 30, 1798, chap. 35; an act concerning the naval establishment, March 3, 1815; an act for the gradual increase of the navy of the United States, April 29, 1816; an act supplementary to an act entitled, "An act concerning the naval establishment," March 1, 1817; an act to amend the act entitled, "An act for the gradual increase of the navy of the United States," March 3, 1821; an act supplementary to "an act for the gradual increase of the navy of the United States," May 17, 1826; an act for the gradual improvement of the navy of the United States, March 3, 1837.

He may appoint clerks.

SEC. 2. *And be it further enacted*, That a principal clerk and such other clerks as he shall think necessary, shall be appointed by the Secretary of the Navy, who shall be employed in such manner as he shall deem most expedient. In case of vacancy in the office of the secretary, by removal or otherwise, it shall be the duty of the principal clerk to take the charge and custody of all the books, records and documents of the said office.

He may take possession of the books, &c. in War Office, which relate to his department.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be and he is hereby authorized and empowered, immediately after he shall be appointed and shall enter upon the duties of his office, to take possession of all the records, books and documents and all other matters and things appertaining to this department, which are now deposited in the office of the Secretary at War.

Salary of the Secretary and of his clerks.

SEC. 4. *And be it further enacted*, That there shall be allowed to the Secretary of the Navy an annual salary of three thousand dollars, payable quarter yearly at the treasury of the United States, and the respective clerks in the office of the said department shall receive the same compensations and be subject to the same regulations, as are provided by an act, supplemental to the act, establishing the treasury department, and for a further compensation to certain officers, in the offices of the other executive departments.

Part of the act establishing the War Department repealed.

SEC. 5. *And be it further enacted*, That so much of an act, entitled "An act to establish an executive department, to be denominated the department of war," as vests any of the powers contemplated by the provisions of this act, in the Secretary for the department of War, shall be repealed, from and after the period when the Secretary of the Navy shall enter on the duties of his office.

1789, ch. 7.

APPROVED, April 30, 1798.

STATUTE II.

May 3, 1798.

CHAP. XXXVI.—*An Act to authorize certain Officers and other persons to administer oaths.*(a)

President of the Senate, Speaker, &c. authorized to administer oaths, &c. to witnesses.

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 Senate, the Speaker of the House of Representatives, a chairman of a committee of the whole, or a chairman of a select committee of either house, shall be empowered to administer oaths or affirmations to witnesses, in any case under their examination.

Penalty on swearing falsely.

SEC. 2. *And be it further enacted*, That if any person shall wilfully, absolutely and falsely swear or affirm, touching any matter or thing material to the point in question, whereto he or she shall be thus examined, every person so offending, and being thereof duly convicted, shall be subjected, to the pains, penalties and disabilities, which by law are prescribed for the punishment of the crime of wilful and corrupt perjury.

APPROVED, May 3, 1798.

STATUTE II.

May 3, 1798.

CHAP. XXXVII.—*An Act supplementary to the act providing for the further defence of the ports and harbors of the United States.*(b)

Additional sum appropriated for fortifications.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, remaining unexpended, shall be, and is hereby appropriated, and shall and may be paid out of any monies not

(a) An act to extend the provision of the act to authorize certain officers and other persons, to administer oaths, May 3, 1798; also act of February 8, 1817, chap. 10.

(b) An act to provide for the further defence of the ports and harbors of the United States, June 23, 1797, chap. 3.

before appropriated, to make and complete, at the discretion of the President of the United States, the fortifications heretofore directed for certain ports and harbors, and to erect fortifications in any other place or places as the public safety shall require, in the opinion of the President of the United States; and which other fortifications he is hereby authorized to cause to be erected, under his direction from time to time as he shall judge necessary.

SEC. 2. *And be it further enacted,* That where any state, which was found indebted to the United States, by the report of the commissioners for settling the accounts between the United States, and the individual states, shall, with the approbation of the President of the United States, proceed to finish or complete any fortification heretofore commenced by such state, for the defence of any port or harbor within the same, or shall, under the direction of the President of the United States, make and erect any additional fortifications, pursuant to the act, intituled "An act to provide for the further defence of the ports and harbors within the United States," as well the previous expenditures made since the twentieth day of March, one thousand seven hundred and ninety-four, which shall be approved by the President of the United States, as the expenditures which have been, or which shall be directed by him, shall be allowed and credited to such state, on account of the balance found and reported, as aforesaid: *Provided,* that no expenditure exceeding the balance found and reported against the respective state, shall be allowed as aforesaid; and provided, that the fortifications for which the whole, or any part of the expenditure, shall be so allowed and credited as aforesaid, with their privileges and appurtenances, shall be, and shall be declared and established as the property of the United States, while maintained by them.

SEC. 3. *And be it further enacted,* That these words of the said act, intituled "An act for the further defence of the ports and harbors of the United States," that is to say, "Provided, the said states shall, and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states," shall be, and the same are hereby repealed.

APPROVED, May 3, 1798.

States erecting or completing fortifications to be credited on account of balances reported against them.

1797, ch. 3.

Proviso.

Part of former act repealed.
1797, ch. 3.

STATUTE II.

CHAP. XXXVIII.—*An Act to enable the President of the United States to procure Cannon, Arms and Ammunition, and for other purposes.*

May 4, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding eight hundred thousand dollars, shall be, and hereby is appropriated, and shall and may be paid out of any monies not before appropriated, under the direction of the President of the United States, to purchase, as soon as may be, a sufficient number of cannon, also a supply of small arms, and of ammunition and military stores, to be deposited, and used, as will be most conducive to the public safety and defence, at the discretion of the President of the United States.

[Obsolete.]
Appropriation to purchase cannon, small arms, &c.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, in case he shall find it impracticable, to procure by purchase, with certainty and dispatch proportionate to the necessities of the public service, the cannon and arms hereby required, and any considerable part thereof shall be likely to be deficient, to take, by lease, for a term of years, or by sale in fee, to the United States, one or more suitable place or places where cannon or small arms may be advantageously cast and manufactured, and shall and may there establish founderies and armouries for the manufacture of the same, respectively, and shall cause suitable artisans and laborers to be there

President may establish founderies and armouries.

Accounts to be laid before Congress respecting the same.

Appropriation for the foundries and armouries.

employed for account of the United States; and shall and may appoint one or more persons to superintend the said works, under the direction of the department of war. And an account of the expenditures which shall be incurred in forming and employing these establishments; and of the cannon and arms which shall be cast and manufactured therein respectively, shall be laid before the Congress of the United States at their next session, and annually thereafter, so long as the same shall be continued.

SEC. 3. *And be it further enacted*, That the sum of one hundred thousand dollars shall be and hereby is appropriated, and shall be paid out of any monies not before appropriated, for the hire, purchase and employ of the said foundries and armouries, respectively, in case such establishments shall be found necessary, as hereinbefore provided.

APPROVED, May 4, 1798.

STATUTE II.

May 4, 1798.

CHAP. XXXIX.—*An Act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels to be equipped as gallies, or otherwise.*

[Obsolete.]

President may provide ten gallies.

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, if the same shall appear to him necessary for the protection of the United States, to cause a number of small vessels, not exceeding ten to be built, or purchased, and to be fitted out, manned, armed and equipped as gallies, or otherwise, in the service of the United States, the officers and men to be on the same pay, and to receive the same subsistence, as officers of the same rank and men are entitled to, in the navy of the United States.

Post, p. 561.

Officers may be appointed by the President in the recess—employment of the gallies.

Appropriation.

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

SEC. 3. *And be it further enacted*, That there be appropriated for the purpose aforesaid, the sum of eighty thousand dollars, out of any monies in the treasury not otherwise appropriated.

APPROVED, May 4, 1798.

STATUTE II.

May 8, 1798.

CHAP. XLI.—*An Act directing the payment of a detachment of Militia, for services performed in the year one thousand seven hundred and ninety-four, under Major James Ore.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers be, and they are hereby authorized to settle the accounts of the militia who served on an expedition commanded by Major James Ore, against the lower Cherokee Indians, in the year one thousand seven hundred and ninety-four; and that the same be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, May 8, 1798.

STATUTE II.

May 8, 1798.

CHAP. XLII.—*An Act, to continue in force, a part of an act respecting the compensation to the Officers and Mariners of the Revenue Cutters.*

[Obsolete.]

Ante, p. 461.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an act passed the sixth day of May, one thousand seven hundred and ninety-six, intituled "An act making further provision relative to the revenue

cutters," be, and the same is hereby continued in force to the end of the next session of Congress.

APPROVED, May 8, 1798.

STATUTE II.

CHAP. XLIII.—*An Act to revive and continue in force, the act respecting the compensation of clerks, and for other purposes.*

May 14, 1798.

[Obsolete.]

Act respecting compensation of clerks continued.

1796, ch. 40.

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

Additional compensation to clerks in the treasury and war departments for the present year.

SEC. 2. *And be it further enacted,* That to the aggregate of compensations for clerks in the present year, as fixed, pursuant to the aforesaid act, there shall be added, during the present year, the following sums, to wit: In the War department, one thousand six hundred dollars, for such additional clerks, and in such proportions, as the secretary of that department shall think fit: In the Treasury department, three thousand dollars for enabling the Comptroller and Auditor to employ such clerks as may be necessary in adjusting and settling the accounts which originated under the government of the United States, prior to the fourth day of March, one thousand seven hundred and eighty-nine.

Additional compensation to officers of the Senate and House of Representatives.

SEC. 3. *And be it further enacted,* That the sum of one hundred dollars be allowed and paid, for the year one thousand seven hundred and ninety-eight, to each of the principal and engrossing clerks in the office of the secretary of the Senate, and of the clerk of the House of Representatives; 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 compensations heretofore allowed them by law.

Additional allowance to a clerk in the mint.

How these sums are to be paid.

Ante, p. 138.

STATUTE II.

SEC. 4. *And be it further enacted,* That the aforesaid sums, together with the sum of two hundred dollars additional allowance for a clerk in the Mint, granted by the aforesaid act, shall be paid out of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States."

APPROVED, May 14, 1798.

May 22, 1798.

[Obsolete.]

The brigadier general may choose his brigade major and inspector from the commissioned officers.

Ante, p. 507.

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

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Brigadier General who is now, or may hereafter be in the service of the United States be, and he hereby is authorized to choose his brigade-major and inspector, or either of them, from the commissioned officers in the line of the army; and that so much of the second section of the act, intituled "An act to amend and repeal, in part, the act, intituled An act to ascertain and fix the military establishment of the United States," as confines the choice of brigade-major and inspector to the captains and subalterns of the line, be, and the same is hereby repealed.

Allowance to Major Cushing as inspector.

SEC. 2. *And be it further enacted,* That the accounting officers of the treasury shall allow to Major Cushing the monthly pay, rations, forage and allowances for the same, as established by law for an inspector, during the time he has acted in said capacity by appointment of General Wilkinson.

APPROVED, May 22, 1798.

STATUTE II.

May 28, 1798.

[Repealed.]

Act of March 16, 1802, ch. 9, sec. 29.

The President may, on certain events taking place, raise an army of 10,000 men for three years.

1799, ch. 48.

Bounty.

The President may organize those troops, and appoint their officers in the recess.

Those troops to be on the footing of the other troops of the U. States.

1798, ch. 57.

The President may accept of volunteers, in addition to those troops.

1799, ch. 48.

Allowance for injuries or loss of horses, arms or equipage to be made to volunteers.

President may appoint a lieutenant general.

His pay and emoluments.

CHAP. XLVII.—*An Act authorizing the President of the United States to raise a Provisional Army.*

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, in the event of a declaration of war against the United States, or of actual invasion of their territory, by a foreign power, or of imminent danger of such invasion discovered in his opinion to exist, before the next session of Congress, to cause to be enlisted, and to call into actual service, a number of troops, not exceeding ten thousand non-commissioned officers, musicians and privates, to be enlisted for a term not exceeding three years: each of whom shall be entitled to receive a bounty of ten dollars, one half on enlisting, and the other half on joining the corps to which he may belong.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby authorized to organize, with a suitable number of major-generals, and conformably to the military establishment of the United States, the said troops into corps of artillery, cavalry and infantry, as the exigencies of the service may require; and in the recess of the Senate, alone to appoint the commissioned officers. The appointment of the field officers to be submitted to the advice and consent of the Senate, at their next subsequent meeting. The commissioned and non-commissioned officers, musicians and privates, raised in pursuance of this act, shall be subject to the rules and articles of war, and regulations for the government of the army, and be entitled to the same pay, clothing, rations, forage and all other emoluments, bounty excepted, and in case of wounds or disability received in service, to the same compensation as the troops of the United States are by law entitled.

SEC. 3. *And be it further enacted,* That in addition to the aforesaid number of troops, the President is hereby empowered, at any time within three years after the passing of this act, if in his opinion the public interest shall require, to accept of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, who shall be armed, clothed and equipped at their own expense, and whose commissioned officers the President is hereby authorized to appoint; who shall be liable to be called upon to do military duty at any time the President shall judge proper, within two years after he shall accept the same; and when called into actual service, and while remaining in the same, shall be under the same rules and regulations, and shall be entitled to the same pay, rations, forage and emoluments of every kind, excepting bounty and clothing, as the other troops to be raised by this act.

SEC. 4. *And be it further enacted,* That in case any such volunteer, while in actual service, and in the line of his duty, sustains any damage, by injury done to his horse, arms or equipage, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President shall direct, shall be allowed for each and every such damage or loss.

SEC. 5. *And be it further enacted,* That whenever the President shall deem it expedient, he is hereby empowered to appoint, by and with the advice and consent of the Senate, a commander of the army which may be raised by virtue of this act, and who being commissioned as lieutenant-general may be authorized to command the armies of the United States, and shall be entitled to the following pay and emoluments, viz.: two hundred and fifty dollars monthly pay, fifty dollars monthly allowance for forage, when the same shall not be provided by the United States, and forty rations per day, or money in lieu thereof at the current price, who shall have authority to appoint, from time to time, such num-

ber of aids not exceeding four, and secretaries not exceeding two, as he may judge proper, each to have the rank, pay and emoluments of a lieutenant-colonel.

Sec. 6. *And be it further enacted*, That whenever the President shall deem it expedient, he is hereby empowered, by and with the advice and consent of the Senate, to appoint an inspector-general, with the rank of major-general, and the major-generals and inspector-general shall each be entitled to the following pay and emoluments, viz. : one hundred and sixty-six dollars monthly pay, twenty dollars monthly allowance for forage, when the same is not provided by the United States, and fifteen rations per day, or money in lieu thereof, at the current price; and shall be and they are hereby authorized to appoint two aids, each of whom shall have the rank, pay and emoluments of a major. And at the time aforesaid, the President is further empowered, by and with the advice and consent of the Senate, to appoint an adjutant-general, who shall have the rank pay and emoluments of a brigadier-general. And the President is hereby authorized alone to appoint, from time to time, when he shall judge proper, assistant inspectors to every separate portion of the army, consisting of one or more divisions, who shall be deputy adjutant-generals thereof respectively, and who shall be taken from the line of the army, and allowed, in addition to their pay, eight dollars per month; and likewise to appoint inspectors and sub-inspectors to each brigade and corps of every description, at his discretion, taking them from the line of the army, and they shall each receive, while acting in said capacity, an additional pay of six dollars per month.

Sec. 7. *And be it further enacted*, That in case the President shall judge the employment of a quartermaster-general, physician-general and paymaster-general or either of them essential to the public interest, he is hereby authorized, by and with the advice and consent of the Senate, to appoint the same accordingly, who shall be entitled to the rank, pay and emoluments which follow, viz. : quartermaster-general, the rank, pay and emoluments of a lieutenant-colonel; physician-general and paymaster-general each the pay and emoluments of a lieutenant-colonel. *Provided*, that in case the President shall judge it expedient to appoint a commander of the army, an inspector-general, adjutant-general, quartermaster-general, physician-general and paymaster-general, or either of them, in the recess of the Senate, he is hereby authorized to make any or all of said appointments and grant commissions thereon, which shall expire at the end of the next session of the Senate thereafter.

Sec. 8. *And be it further enacted*, That the laws of the United States, respecting the regulations and emoluments of recruiting officers; punishment of persons who shall procure or entice a soldier to desert or shall purchase his arms, uniform clothing, or any part thereof; and the punishment of every commanding officer of any ship or vessel who shall receive on board his ship or vessel as one of his crew, knowing him to have deserted, or otherwise carry away any soldier or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians and privates; and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act—shall be in force and apply to all persons, matters and things within the intent and meaning of this act, in the same manner, as they would, were they inserted at large in the same.

Sec. 9. *And be it further enacted*, That the commander of the army, inspector-general, adjutant-general, quartermaster-general, physician-general, and paymaster-general, and the general, field and commissioned officers who may be appointed by virtue of this act, shall respectively continue in

Aids and secretaries.

President may appoint an inspector general.

Pay and emoluments of major generals and inspector general.

They may appoint aids.

President may appoint an adjutant general;

Assistant inspectors to every separate portion of the army;

and inspectors and sub-inspectors to each brigade and corps.

Also a quartermaster general, physician general and paymaster general.

Proviso, enabling the President to make appointments of certain officers in the recess, whose commissions shall expire at the end of the session of the Senate thereafter.

Former laws respecting the military establishment of the U. States extended to the persons matters and things within the meaning of this act.

The President may at his discretion discharge the whole or any

part of the officers and soldiers raised or accepted under this act.

No commissioned or staff officer to be entitled to pay or emolument but for actual service.

The President may loan field artillery to militia corps, disposed to inform themselves in its use.

And also to loan field artillery, arms, and accoutrements to militia or volunteer corps called forth and engaged in actual service.

President may procure certain equipage for cavalry, which may be loaned as aforesaid.

Appropriation of \$200,000.

Privates exempt from arrests for debt or contract.

commission during such term only as the President shall judge requisite for the public service, and that it shall be lawful for the President to discharge the whole or any part of the troops, which may be raised or accepted under authority of this act, whenever he shall judge the measure consistent with the public safety.

SEC. 10. *And be it further enacted*, That no commissioned or staff officer, who shall be appointed by virtue of this act, shall be entitled to receive pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein. *Provided*, nothing in this section shall be construed to prevent captains and subalterns from receiving pay and emoluments while employed in the recruiting service. *And provided also*, that no enlistment shall take place by virtue of this act after three years from the passing thereof.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, upon the request of any militia corps established by law, in any state, disposed to inform themselves in the use of artillery, or of the executive of any state, in behalf of such corps, to suffer to be loaned to them, such pieces, not exceeding two to any one corps, of the field artillery of the United States, as may be most conveniently spared, to be taken, removed and returned, at the expense of the party requesting: who are to be accountable for the same, and to give receipts accordingly.

SEC. 12. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized, when, under his orders, any portion of the militia, or any volunteer corps, shall be called forth and engaged in the actual service of the United States, to suffer to be loaned, at the request of the executive of the state from which such militia shall be called forth, or of such volunteer corps, appearing to be unavoidably deficient, a supply of field artillery, arms and accoutrements from the arsenals of the United States, as the case may require; proper receipts and security being given to be accountable to return the same, the accidents of the service excepted.

SEC. 13. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to cause to be purchased and procured a quantity of caps, swords or sabres, and pistols with holsters, not exceeding what may be sufficient for four thousand cavalry, and to be deposited in the parts of the United States, where he shall deem it most convenient for the supply of any corps of cavalry which shall be called into the actual service of the United States, and which the President of the United States may loan upon the terms and the like receipts, to be accountable as herein before provided. And for this purpose, and towards defraying the expenses which may be necessarily incurred before the next session of Congress, in executing the other purposes of this act, a sum not exceeding two hundred thousand dollars, shall be, and is hereby appropriated, and shall and may be paid at the treasury, under the orders of the President of the United States, out of any money not already appropriated.

SEC. 14. *And be it further enacted*, That the private soldiers who are and who shall be enlisted and employed in the service of the United States, shall be, and they are hereby exempted, during their term of service, from all personal arrests, for any debt or contract. And whenever any soldier shall be arrested, whether by mesne process, or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the district in which the arrest shall happen, and of any justice of the supreme court of the United States, and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by any officer of the corps in which such soldier shall be engaged, to grant a writ of habeas corpus returnable before himself; and upon due hearing and

examination, in a summary manner, to discharge the soldier from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

APPROVED, May 28, 1798.

CHAP. XLVIII.—*An Act more effectually to protect the Commerce and Coasts of the United States.*

WHEREAS armed vessels sailing under authority or pretence of authority from the Republic of France, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations, and treaties between the United States and the French nation. Therefore:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, and he is hereby authorized to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessel which shall have committed or which shall be found hovering on the coasts of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof;—and also to retake any ship or vessel, of any citizen or citizens of the United States which may have been captured by any such armed vessel.

APPROVED, May 28, 1798.

CHAP. XLIX.—*An Act providing for the relief of persons imprisoned for Debts due to 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 any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he shall be unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and it shall thereupon be lawful for the said Secretary to make, or require to be made, an examination and inquiry into the circumstances of the debtor, either by the oath or affirmation of the debtor, (which the said secretary, or any other person by him specially appointed, are hereby authorized to administer) or otherwise, as the said secretary shall deem necessary and expedient, to ascertain the truth; and upon proof being made to his satisfaction, that such debtor is unable to pay the debt for which he is imprisoned, and that he hath not concealed, or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or deprive them of their legal priority, the said secretary is hereby authorized to receive from such debtor, any deed, assignment, or conveyance of the real or personal estate of such debtor, if any he hath, or any collateral security to the use of the United States; and upon a compliance by the debtor, with such terms and conditions as the said secretary may judge reasonable and proper, under all the circumstances of the case, it shall be lawful for the said secretary to issue his order, under his hand, to the keeper of the prison, directing him to discharge such debtor from his imprisonment under such execution, and he shall be accordingly discharged, and shall not be liable to be imprisoned again for the said debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor.

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STATUTE II.

May 28, 1798.

[Obsolete.]
Preamble.
1798, ch. 53.
1798, ch. 67.
1798, ch. 68.

President may issue instructions to the commanders of public armed ships to bring into port certain French armed vessels, and to make recaptures from them.

STATUTE II.

June 6, 1798.

March 3, 1817, ch. 114.

Insolvent to make application to the Secretary of the Treasury,

Ante, p. 48.

who may cause an examination to be made of the facts of the case;

and upon proof of certain facts, he may receive an assignment of the debtor's property;

and on the debtor's complying with the terms prescribed by the Secretary; he may order him to be discharged.

Penalty on swearing falsely under this act.

1796, ch. 38.

This act not to extend to the case of a penalty or of monies had and received.

SEC. 2. *And be it further enacted*, That if any person shall falsely take an oath or affirmation under this act, he shall be deemed guilty of perjury, and be subject to the pains and penalties provided in the third section of an act, intituled "An act for the relief of persons imprisoned for debt."

SEC. 3. *And be it further enacted*, That the benefit of this act shall not be extended to any person imprisoned for any fine, forfeiture or penalty, incurred by a breach of any law of the United States, or for monies had and received by any officer, agent, or other person, for their use.

APPROVED, June 6, 1798.

STATUTE II.

June 6, 1798.

CHAP. L.—*An Act supplementary to an act intituled "An act for the relief of persons imprisoned for Debt."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person imprisoned upon process issuing from any court of the United States in any civil action, against whom judgment has been, or shall be recovered, shall be entitled to the privileges and relief provided by an act, intituled "An act for the relief of persons imprisoned for debt," under the regulations and restrictions of the same act; after the expiration of thirty days from the time such judgment has been, or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith.

APPROVED, June 6, 1798.

May 28, 1796.
ch. 38.

STATUTE II.

June 12, 1798.

CHAP. LI.—*An Act respecting loan office and final settlement certificates, indents of interest, and the unfunded or registered debt credited in the books of the Treasury.*

[Obsolete.]

Law barring loan office and final settlement certificates and indents of interest suspended for a year.

Ante, p. 433.

Notification thereof to be published by the Secretary of the Treasury.

On settlement thereof the creditors may receive certain stock.

How the principal of the loan office and final settlement certificates and certain interest thereon shall be discharged.

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 making further provision for the support of public credit, and for the redemption of the public debt," passed the third day of March, one thousand seven hundred and ninety-five, as bars from settlement or allowance, certificates, commonly called loan office and final settlement certificates, and indents of interest, be, and the same is hereby suspended for the term of one year from and after the time of the passing of this act; a notification of which temporary suspension of the act of limitation shall be published by the Secretary of the Treasury, for the information of the holders of the said certificates, in one or more of the public papers in each of the United States.

SEC. 2. *And be it further enacted*, That on the liquidation and settlement of such of the said certificates, and indents of interest, as may be presented at the treasury, pursuant to this act, the creditors shall be allowed to receive certificates of funded three per cent. stock of the United States, equal to the said indents, and the arrearages of interest due on their said certificates, prior to the first day of January, one thousand seven hundred and ninety-one.

SEC. 3. *And be it further enacted*, That the principal sums of the said loan office and final settlement certificates, with the interest thereon, since the first day of January, one thousand seven hundred and ninety-one, shall and may be discharged, after liquidation at the treasury, by the payment of interest and reimbursement of principal, equal to the sums which would have been payable thereon, if the said certificates had been subscribed, pursuant to the acts making provision for the debts of the United States, contracted during the late war, and by the payment of

other sums, equal to the market value of the remaining funded stock, which would have been created by subscriptions, as aforesaid; which market value shall be determined by the Comptroller of the Treasury.

SEC. 4. *And be it further enacted*, That the sum of twenty thousand dollars shall be, and hereby is appropriated for the purposes aforesaid, to be paid out of any monies in the treasury not otherwise appropriated.

Appropriation therefor.

SEC. 5. *And be it further enacted*, That from and after the passing of this act, it shall not be lawful for the officers of the treasury to issue or cause to be issued, any certificates of registered or unfunded debt; and that to satisfy such claims for services, or supplies furnished or done prior to the establishment of the present constitution of the United States, as shall be allowed according to law, and the course of settlement at the treasury, there be appropriated a sum not exceeding twenty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

Treasury not to issue certificates of registered or unfunded debt.

Appropriation for services and supplies prior to the present constitution.

SEC. 6. *And be it further enacted*, That the commissioners of the sinking fund shall be, and they are hereby required to reimburse, or cause to be reimbursed, the principal sums of the unfunded, or registered debt of the United States, credited on the books of the treasury, and commissioners of loans; and that they cause a notification to be published, informing the creditors generally, of the said reimbursement, and that interest on the said debts will cease at the expiration of six months after the date of the said notification; and that a sum not exceeding ninety thousand dollars be appropriated for the reimbursement of the debts aforesaid, out of any monies in the treasury not otherwise appropriated.

Reimbursement to be made of the unfunded or registered debt.

Notification thereof to be published.

Appropriation therefor.

SEC. 7. *And be it further enacted*, That it shall be lawful for the creditors of the unfunded or registered debt aforesaid, to receive certificates of funded three per cent. stock, equal to the arrearages of interest due to them, respectively, prior to the first day of January, one thousand seven hundred and ninety-one; and on the requisition of each or any of the said creditors, the proper officers of the treasury are hereby required to issue, or cause to be issued, the said certificates of funded three per cent. stock accordingly.

Creditors of unfunded or registered debt may receive certificates of stock for certain arrearages of interest.

APPROVED, June 12, 1798.

STATUTE II.

CHAP. LII.—*An Act making appropriations for the Military establishment, for the year one thousand seven hundred and ninety-eight; and for other purposes.*

June 12, 1799.

[Obsolete.]

Specific appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military establishment, for the year one thousand seven hundred and ninety-eight, the pay and subsistence of the officers and men; bounties and premiums; the clothing, hospital, ordnance, quartermasters and Indian departments; the defensive protection of the frontiers; the contingent expenses of the war department, and the payment of military pensions; the sum of one million four hundred and eleven thousand seven hundred and ninety eight dollars (including the sum of two hundred thousand dollars already appropriated on account) be, and hereby is appropriated; that is to say:

For the pay of the army of the United States, the sum of two hundred and sixty-four thousand eight hundred and twenty-four dollars.

For the subsistence of the officers of the army, the sum of forty thousand six hundred and sixty-one dollars.

For the subsistence of the non-commissioned officers and privates, the sum of two hundred and forty-seven thousand one hundred and seventy-eight dollars.

For forage, the sum of fifteen thousand eight hundred and sixteen dollars.

Specific ap-
propriations.

For equipments, for one company of cavalry, two thousand one hundred and forty dollars.

For horses for the cavalry, to replace those which may die, or become unfit for service, the sum of four thousand five hundred dollars.

For clothing, the sum of eighty-three thousand and fifty dollars.

For bounties and premium, the sum of thirty-eight thousand dollars.

For the hospital department, the sum of ten thousand dollars.

For the ordnance department, the sum of forty-three thousand dollars.

For the quartermaster's department, the sum of two hundred and twenty-four thousand dollars.

For the Indian department, the following sums, that is to say:

For the payment of annuities to the Six Nations, Chickasaws, Cherokees and Creeks, the sum of fourteen thousand dollars.

For the expenses attending the transportation of goods, for the above mentioned annuities, the sum of nine thousand dollars.

For promoting civilization, and pay of temporary agents, the sum of fifteen thousand dollars.

For rations to Indians at the different military posts, and within their respective nations, the sum of twenty thousand dollars.

For building a grist and saw mill for the use of the Stockbridge Indians, agreeably to a treaty in one thousand seven hundred and ninety-four, three thousand dollars.

For contingent expenses for presents to Indians on their visits to the seat of government, and expenses attending their journeys, and during their stay in Philadelphia, the sum of ten thousand dollars.

For the defensive protection of the frontiers of the United States, including the erection and repair of forts and fortifications, the sum of sixty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes; advertising and apprehending deserters, printing, for purchasing of maps, and other contingent expenses, the sum of twenty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions, from the fifth of March, one thousand seven hundred and ninety-eight, to the fourth day of March, one thousand seven hundred and ninety-nine, the sum of one hundred and two thousand and sixty-seven dollars, and seven cents.

For the construction and repair of certain vessels on the lakes, in the service of government, and the pay and subsistence of the officers and crews of the same, sixteen thousand seven hundred dollars.

For making good a deficiency in the appropriations for the subsistence of the non-commissioned officers and privates of the army of the United States, for the year one thousand seven hundred and ninety-seven, the sum of one hundred and fourteen thousand one hundred and sixty-seven dollars, and ninety-five cents.

For making good a deficiency in the appropriation for the expense of the quartermaster's and Indian departments; the defensive protection of the frontiers; bounties, and all other contingent expenses of the war department, for the year one thousand seven hundred and ninety-seven, the sum of fifty-four thousand six hundred and ninety-four dollars.

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

APPROVED, June 12, 1798.

How these ap-
propriations are
to be paid.

STATUTE II.
June 13, 1798.

CHAP. LIII.—*An Act to suspend the commercial intercourse between the United States and France, and the dependencies thereof.* (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, and which shall depart therefrom after the first day of July next, shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West Indies, or elsewhere under the acknowledged government of France, or shall be employed in any traffic or commerce with, or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the United States, shall be voluntarily carried, or suffered to proceed to any French port or place as aforesaid, or shall be employed as aforesaid, contrary to the intent hereof, every such ship or vessel together with her cargo shall be forfeited, and shall accrue, the one half to the use of the United States, and the other half to the use of any person or persons, citizens of the United States, who will inform and prosecute for the same; and shall be liable to be seized, prosecuted and condemned in any circuit or district court of the United States which shall be holden within or for the district where the seizure shall be made.

SEC. 2. *And be it further enacted,* That after the first day of July next, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, until a bond shall be given to the use of the United States, wherein the owner or employer, if usually resident or present, where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and her cargo, and shall find sufficient surety or sureties, to the amount of one half the value thereof, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed, or be carried, directly or indirectly, to any port or place within the territory of the French Republic, or the dependencies thereof, or any place in the West Indies, or elsewhere, under the acknowledged government of France, unless by distress of weather, or want of provisions, or by actual force and violence, to be fully proved and manifested before the acquittance of such bond; and that such vessel is not, and shall not be employed during her intended voyage, or before her return, as aforesaid, in any traffic or commerce with or for any person resident within the territory of that republic, or in any of the dependencies thereof.

SEC. 3. *And be it further enacted,* That from and after due notice of the passing of this act, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that republic, or any of the dependencies thereof, or sailing or coming therefrom, excepting any vessel to which the President of the United States shall grant a passport, which he is hereby authorized to grant in all cases where it shall be requisite for the purposes of any political or national intercourse, shall be allowed an entry, or to remain within the territory of the United States, unless driven there by distress of weather, or in want of provisions. And if contrary to the intent

[Expired.]

After 1st July 1798, vessels shall not go to the dominions of France, or be employed in traffic with, or for persons resident therein.

Post, p. 578.

Penalty thereon.

Bond to be given on clearing for a foreign voyage after 1st July, 1798.

French vessels and certain other vessels not to be allowed to enter or remain in the United States unless they have the President's passport, or in case of distress.

Post, 611.

(a) An act to declare the treaties heretofore concluded with France, as no longer obligatory on the United States, July 7, 1798, chap. 67.

In case of their being found within the U. States they shall be ordered to depart; and on non compliance they shall be seized and detained.

Vessels belonging to citizens of the U. States excepted from the prohibition until the 1st of December 1798.

Proceedings to be had in case of vessels entering in distress.

Limitation of the act.

In the recess, the President may dissolve the prohibitions of this act, on being well ascertained of a disavowal and cessation of hostilities, &c. on the part of France.

Act not to extend to vessels to which the President may grant special permissions.

hereof any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district, wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expense of the United States: Provided, that ships or vessels which shall be *bona fide* the property of, or hired or employed by citizens of the United States, shall be excepted from this prohibition until the first day of December next, and no longer: And provided that in the case of vessels hereby prohibited, which shall be driven by distress of weather, or the want of provisions into any port or place of the United States, they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained, and as soon as may be thereafter shall be required and suffered to depart: but no part of the lading of such vessel shall be taken out or disposed of, unless by the special permit of such collector, or to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

SEC. 5. *Provided, and be it further enacted*, That if, before the next session of Congress, the government of France, and all persons acting by or under their authority, shall clearly disavow, and shall be found to refrain from the aggressions, depredations and hostilities which have been, and are by them encouraged and maintained against the vessels and other property of the citizens of the United States, and against their national rights and sovereignty, in violation of the faith of treaties, and the laws of nations, and shall thereby acknowledge the just claims of the United States to be considered as in all respects neutral, and unconnected in the present European war, if the same shall be continued, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions and restraints hereby enacted and declared; and he shall be, and is hereby authorized to make proclamation thereof accordingly: Provided, that nothing in this act contained, shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter or clear; which permission he is hereby authorized to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the United States, when he may think it requisite.

APPROVED, June 13, 1798.

STATUTE II.

June 18, 1798.

Ante, p. 414.

[Repealed.]

Act of April 14, 1802, ch. 28, sec. 5.

No alien may become a citizen, unless he shall have declared his intention to become such, five years before his admission.

He shall declare and prove fourteen years

CHAP. LIV.—*An Act supplementary to and to amend the act, intituled "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no alien shall be admitted to become a citizen of the United States, or of any state, unless in the manner prescribed by the act, intituled "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject," he shall have declared his intention to become a citizen of the United States, five years, at least, before his admission, and shall, at the time of his application to be admitted, declare and prove, to the satisfaction of the court having jurisdiction in the case, that he has resided within the United States fourteen years, at least, and within the state or territory where, or for which such court is at the time held, five years, at least, besides conforming to the other

declarations, renunciations and proofs, by the said act required, any thing therein to the contrary hereof notwithstanding: *Provided*, that any alien, who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may, within one year after the passing of this act—and any alien who shall have made the declaration of his intention to become a citizen of the United States, in conformity to the provisions of the act, intituled “An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject,” may, within four years after having made the declaration aforesaid, be admitted to become a citizen, in the manner prescribed by the said act, upon his making proof that he has resided five years, at least, within the limits, and under the jurisdiction of the United States: *And provided also*, that no alien, who shall be a native, citizen, denizen or subject of any nation or state with whom the United States shall be at war, at the time of his application, shall be then admitted to become a citizen of the United States.

SEC. 2. *And be it further enacted*, That it shall be the duty of the clerk, or other recording officer of the court before whom a declaration has been, or shall be made, by any alien, of his intention to become a citizen of the United States, to certify and transmit to the office of the Secretary of State of the United States, to be there filed and recorded, an abstract of such declaration, in which, when hereafter made, shall be a suitable description of the name, age, nation, residence and occupation, for the time being, of the alien; such certificate to be made in all cases, where the declaration has been or shall be made, before the passing of this act, within three months thereafter; and in all other cases, within two months after the declaration shall be received by the court. And in all cases hereafter arising, there shall be paid to the clerk, or recording officer as aforesaid, to defray the expense of such abstract and certificate, a fee of two dollars; and the clerk or officer to whom such fee shall be paid or tendered, who shall refuse or neglect to make and certify an abstract, as aforesaid, shall forfeit and pay the sum of ten dollars.

SEC. 3. *And be it further enacted*, That in all cases of naturalization heretofore permitted or which shall be permitted, under the laws of the United States, a certificate shall be made to, and filed in the office of the Secretary of State, containing a copy of the record respecting the alien, and the decree or order of admission by the court before whom the proceedings thereto have been, or shall be had: And it shall be the duty of the clerk or other recording officer of such court, to make and transmit such certificate, in all cases which have already occurred, within three months after the passing of this act; and in all future cases, within two months from and after the naturalization of an alien shall be granted by any court competent thereto:—And in all future cases, there shall be paid to such clerk or recording officer the sum of two dollars, as a fee for such certificate, before the naturalization prayed for, shall be allowed. And the clerk or recording officer, whose duty it shall be, to make and transmit the certificate aforesaid, who shall be convicted of a wilful neglect therein, shall forfeit and pay the sum of ten dollars, for each and every offence.

SEC. 4. *And be it further enacted*, That all white persons, aliens, (accredited foreign ministers, consuls, or agents, their families and domestics, excepted) who, after the passing of this act, shall continue to reside, or who shall arrive, or come to reside in any port or place within the territory of the United States, shall be reported, if free, and of the age of twenty-one years, by themselves, or being under the age of twenty-one years, or holden in service, by their parent, guardian, master or mistress in whose care they shall be, to the clerk of the district court of the district, if living within ten miles of the port or place, in which their residence or arrival shall be, and otherwise, to the collector of such port

residence within the United States, and five years in the state, &c. where he applies; besides otherwise conforming to the former act.

Provision in favor of residents before 29th Jan. 1795, and of persons having made the declaration of their intention to become citizens.

Alien enemies cannot become citizens.

Clerks of courts to send to the Secretary of State abstracts of the declarations of aliens intending to become citizens.

Fees of the clerks therefor. Penalty on refusing to make or certify such abstracts.

Clerks of courts to send to the Secretary of State certified copies of the records of naturalization.

Their fees therefor.

Penalty on wilfully neglecting to transmit such certificates.

All white aliens residing or arriving in the U. States to be reported and registered.

Manner of making the report.

Report to be recorded, &c.

Fees for registering aliens.

Certificates thereof, how to be granted.

Clerks of the district courts to make monthly returns to the department of state.

Penalty on aliens refusing or neglecting to make a report, &c.

Surety of the peace may be required of them.

Penalty on persons having the care of aliens refusing or neglecting to make report.

Certificate of the registry of aliens required to show the commencement of their residence on application to be naturalized.

or place, or some officer or other person there, or nearest thereto, who shall be authorized by the President of the United States, to register aliens: And report, as aforesaid, shall be made in all cases of residence, within six months from and after the passing of this act, and in all after cases, within forty-eight hours after the first arrival or coming into the territory of the United States, and shall ascertain the sex, place of birth, age, nation, place of allegiance or citizenship, condition or occupation, and place of actual or intended residence within the United States, of the alien or aliens reported, and by whom the report is made. And it shall be the duty of the clerk, or other officer, or person authorized, who shall receive such report, to record the same in a book to be kept for that purpose, and to grant to the person making the report, and to each individual concerned therein, whenever required, a certificate of such report and registry; and whenever such report and registry shall be made to, and by any officer or person authorized, as aforesaid, other than the clerk of the district court, it shall be the duty of such officer, or other person, to certify and transmit, within three months thereafter, a transcript of such registry, to the said clerk of the district court of the district in which the same shall happen; who shall file the same in his office, and shall enter and transcribe the same in a book to be kept by him for that purpose. And the clerk, officer or other person authorized to register aliens, shall be entitled to receive, for each report and registry of one individual or family of individuals, the sum of fifty cents, and for every certificate of a report and registry the sum of fifty cents, to be paid by the person making or requiring the same, respectively. And the clerk of the district court, to whom a return of the registry of any alien, shall have been made, as aforesaid, and the successor of such clerk, and of any other officer or person authorized to register aliens, who shall hold any former registry, shall and may grant certificates thereof, to the same effect as the original register might do. And the clerk of each district court shall, during one year from the passing of this act, make monthly returns to the department of State, of all aliens registered and returned, as aforesaid, in his office.

SEC. 5. *And be it further enacted*, That every alien who shall continue to reside, or who shall arrive, as aforesaid, of whom a report is required as aforesaid, who shall refuse or neglect to make such report, and to receive a certificate thereof, shall forfeit and pay the sum of two dollars; and any justice of the peace, or other civil magistrate, who has authority to require surety of the peace, shall and may, on complaint to him made thereof, cause such alien to be brought before him, there to give surety of the peace and good behaviour during his residence within the United States, or for such term as the justice or other magistrate shall deem reasonable, and until a report and registry of such alien shall be made, and a certificate thereof, received as aforesaid; and in failure of such surety, such alien shall and may be committed to the common gaol, and shall be there held, until the order which the justice or magistrate shall and may reasonably make, in the premises, shall be performed. And every person, whether alien, or other, having the care of any alien or aliens, under the age of twenty-one years, or of any white alien holden in service, who shall refuse and neglect to make report thereof, as aforesaid, shall forfeit the sum of two dollars, for each and every such minor or servant, monthly, and every month, until a report and registry, and a certificate thereof, shall be had, as aforesaid.

SEC. 6. *And be it further enacted*, That in respect to every alien, who shall come to reside within the United States after the passing of this act, the time of the registry of such alien shall be taken to be the time when the term of residence within the limits, and under the jurisdiction of the United States, shall have commenced, in case of an application by such alien, to be admitted a citizen of the United States; and

a certificate of such registry shall be required, in proof of the term of residence, by the court to whom such application shall and may be made.

SEC. 7. *And be it further enacted*, That all and singular the penalties established by this act, shall and may be recovered in the name, and to the use of any person, who will inform and sue for the same, before any judge, justice, or court, having jurisdiction in such case, and to the amount of such penalty, respectively.

APPROVED, June 18, 1798.

Penalties how to be recovered.

STATUTE II.

CHAP. LV.—*An Act to amend the act, intituled "An act providing a Naval Armament," and the act, intituled "An act to authorize the President of the United States to cause to be purchased or built, a number of small vessels, to be equipped as galleys or otherwise."*

June 22, 1798.

[Obsolete.]

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 shall be, and he is hereby authorized, when he shall think fit to increase the strength of any revenue cutter, for the purposes of defence, against hostilities near the sea coast, to employ on board the same, at his discretion, not exceeding seventy marines and seamen: any thing in the act, intituled "An act providing a naval armament," to the contrary hereof, notwithstanding.

President may increase the strength of revenue cutters.

Ante, p. 523.

Ante, p. 556.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to fix the degree of rank, and the rate of pay and subsistence, not exceeding what is allowed upon the naval establishment, which shall be granted and allowed to the officers who shall be duly commissioned in the service of the United States on board of any small vessel or galley, which shall be fitted out under his orders, pursuant to the act, intituled "An act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise;" any thing therein to the contrary hereof, notwithstanding.

President may fix the rank, pay and subsistence of the officers of small vessels and galleys.

APPROVED, June 22, 1798.

STATUTE II.

CHAP. LVI.—*An Act to extend the privilege of franking letters and packets to the Secretary of the Navy.*

June 22, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to or from the Secretary of the Navy, shall be received and conveyed by post, free of postage, under the like restrictions and limitations as are provided respecting letters and packets to or from the heads of the other departments of the government, by the nineteenth section of the act, entitled "An act to establish the post-office and post roads within the United States."

Act of March 2, 1799, ch. 43, sec. 17.

1794, ch. 23.

APPROVED, June 22, 1798.

STATUTE II.

CHAP. LVII.—*An Act supplementary to, and to amend the act, intituled "An act authorizing the President of the United States to raise a provisional army."*

June 22, 1798.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the companies of volunteers, and the members of each company, who shall be duly engaged and accepted by the President of the United States, and organized with proper officers commissioned by him, pursuant to the third section of the act, intituled "An act authorizing the President of the United States to raise a provisional army," shall submit to, and observe such rules of training and discipline, as shall be thought neces-

Volunteers to observe the rules to be fixed by the President for training and disciplining them.

Ante, p. 558.

Exempted from militia duty.

sary to prepare them for actual service; and which rules the President of the United States is hereby authorized to make and establish; and all such companies and volunteers are hereby exempted, until their discharge, or during the time of their engagement, as aforesaid, from all militia duty which is, or shall be required by the laws of the United States, or of any state, and from every fine, penalty or disability, which is or shall be provided to enforce the performance of any duty or service in the militia.

President may appoint their field officers.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized, by and with the consent of the Senate, or by himself in the recess of Congress, pursuant to the said act, to appoint and commission, as soon as he shall think it expedient, such and so many field officers as shall be necessary for the organizing and embodying in legions, regiments or battalions, any volunteer companies who shall engage, and shall be accepted, as aforesaid: and such field officers shall have authority, accordingly, to train and discipline such volunteer companies, pursuant to the rules therefor, which shall be established, as aforesaid: *Provided*, that no officer or volunteer, who shall be appointed, engaged or employed in any training or discipline, as aforesaid, shall be considered as in the pay of the United States, until called into actual service.

President may authorize the sale to them of artillery, arms, &c.

SEC. 3. *And be it further enacted*, That the President of the United States may authorize the sale, at a reasonable rate, sufficient to indemnify the United States, to any company of volunteers who shall be accepted, as aforesaid, of such pieces of artillery, small arms and accoutrements, to be delivered from the public arsenals, as shall be found necessary for the equipment and training of such volunteers; or may loan the same to them upon the receipts of their respective officers, to be accounted for, or returned, at the expiration of their engagement, or other discharge: And of such sales or loans, the necessary accounts shall be kept in the War department, and the money accruing, by any sale, shall be paid into the treasury of the United States; and the same shall be, and is hereby appropriated for the purchase of other artillery, arms and accoutrements, as the President of the United States shall direct.

or may loan the same.

SEC. 4. *And be it further enacted*, That the President of the United States may proceed to appoint and commission, in the manner prescribed by the said act, such and so many of the officers authorized thereby for the raising, organizing and commanding the provisional army of ten thousand men, as, in his opinion, the public service shall more immediately require; any thing which may be supposed in the said act, to the contrary hereof, notwithstanding: *Provided*, that the officers who shall be so appointed shall not be entitled to any pay, subsistence or other emolument, by reason of such commission, until they shall be respectively employed in the actual service of the United States: *And provided*, that the further raising of the said army shall not be authorized otherwise than as by the said act is provided.

APPROVED, June 22, 1798.

June 25, 1798.

CHAP. LVIII.—*An Act concerning Aliens.* (a)

[Expired.]

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

(a) The act of July 6, 1798, having authorized the President to direct the confinement of alien enemies, necessarily conferred all the means for enforcing such orders as he might give in relation to the execution of those powers. *Lockington v. Smith*, 1 Peters's C. C. R. 466.

The marshals of the several districts are the proper officers to execute the orders of the President under the act. *Ibid.*

After the President had established such regulations as he deemed necessary in relation to alien enemies, it was not necessary to call in the aid of the judicial authority, on all occasions, to enforce them; and the marshal may act without such authority. *Ibid.*

lawful for the President of the United States at any time during the continuance of this act, to order all such *aliens* as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a *license* from the President to reside therein, or having obtained such *license* shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided always, and be it further enacted*, that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a *license* to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke, whenever he shall think proper.

President may order certain aliens to depart.

Manner of serving the order.

Penalty upon an alien being thereafter found at large.

If an alien ordered to depart shall make certain proof, he may receive a license to remain.

President may require security from such alien.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien who may or shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal. And if any alien so removed or sent out of the United States by the President shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be imprisoned so long as, in the opinion of the President, the public safety may require.

The President may order certain aliens to be removed out of the U. States.

Penalty on their returning.

SEC. 3. *And be it further enacted*, That every master or commander of any ship or vessel which shall come into any port of the United States after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to

Masters of vessels to make report concerning aliens, to officers of the customs.

Penalty on failure to do so. Officers of the customs to transmit copies of the returns.

Circuit and district courts

By the provisions of the law, it was designed to make the judiciary auxiliary to the executive, in effecting its great objects; and each department was to act independently of the other, except that the former was to make the ordinances of the latter, the rule of its decisions. *Ibid.*

to have jurisdiction.

Marshals, &c. to execute orders of the President.

Aliens ordered to be removed may dispose of their property.

Limitation of the act.

transmit to the office of the department of state true copies of all such returns.

SEC. 4. *And be it further enacted,* That the circuit and district courts of the United States, shall respectively have cognizance of all crimes and offences against this act. And all marshals and other officers of the United States are required to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

SEC. 5. *And be it further enacted,* That it shall be lawful for any alien who may be ordered to be removed from the United States, by virtue of this act, to take with him such part of his goods, chattels, or other property, as he may find convenient; and all property left in the United States by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed.

SEC. 6. *And be it further enacted,* That this act shall continue and be in force for and during the term of two years from the passing thereof.

APPROVED, June 25, 1798.

STATUTE II.

June 25, 1798.

CHAP. LX.—*An Act to authorize the defence of the Merchant Vessels of the United States against French depredations.*

[Expired.]

Merchant vessels may oppose searches, &c. attempted by the French, Ante, p. 561, 565. Post, p. 578.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof, may oppose and defend against any search, restraint or seizure, which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under French colours, or acting, or pretending to act, by, or under the authority of the French republic; and may repel by force any assault or hostility which shall be made or committed, on the part of such French, or pretended French vessel, pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colours, or acting, or pretending to act, by or under authority from the French republic.

repel assaults, capture the aggressors, and make recaptures.

Captured vessels may be condemned, sold and distributed.

SEC. 2. *And be it further enacted,* That whenever the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel with her tackle, appurtenances, ammunition and lading, shall accrue, the one half to the owner or owners of such merchant vessel of the United States, and the other half to the captors: And being brought into any port of the United States, shall and may be adjudged and condemned to their use, after due process and trial, in any court of the United States, having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof, accordingly, and at their discretion; saving any agreement, which shall be between the owner or owners, and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the United States, by any armed merchant vessel, aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction, in the premises, be restored to the former owner or owners, he or they paying for salvage, not less than one eighth, nor more than one half of the true value of the said vessels and cargoes, at the discretion of the court; which payments shall be made without any deduction whatsoever.

Recaptured American vessels to be restored on paying salvage.

SEC. 3. *And be it further enacted*, That after notice of this act, at the several custom-houses, no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners, and the master or commander of such vessel for the intended voyage, shall give bond, to the use of the United States, in a sum equal to double the value of such vessel, with condition, that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas, against the vessel of any nation in amity with the United States; and that the guns, arms and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners, and the commander and crew of such merchant vessel, shall, in all things, observe and perform such further instructions in the premises, as the President of the United States shall establish and order, for the better government of the armed merchant vessels of the United States.

Security to be given previous to the clearing of armed merchant vessels.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the United States, for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any outrage, cruelty or injury which they may be disposed to commit; a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesaid. And it shall be the duty of the owner or owners, and commander and crew, for the time being, of such armed merchant vessel of the United States, at each return to any port of the United States, to make report to the collector thereof of any rencounter which shall have happened with any foreign vessel, and of the state of the company and crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the United States, or of the civil or military officers of any state, shall take suitable care for the restraint, preservation and comfort of such persons, at the expense of the United States, until the pleasure of the President of the United States shall be known concerning them.

The President shall establish instructions for the government of armed merchant vessels.

Report to be made to the collector on their return into the United States.

Disposal of prisoners.

Limitation of the act.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter.

The President may instruct the armed merchant vessels to submit to searches, &c. when French armed vessels shall observe the law of nations, &c.

SEC. 6. *Provided, and be it further enacted*, That whenever the government of France, and all persons acting by, or under their authority, shall disavow, and shall cause the commanders and crews of all armed French vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that government against the merchant vessel[s] of the United States, and shall cause the laws of nations to be observed by the said armed French vessels, the President of the United States shall be, and he is hereby authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue hereof.

APPROVED, June 25, 1798.

STATUTE II.

CHAP. LXI.—*An Act to punish frauds committed on the Bank of the United States.*

June 27, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, alter, forge or counterfeit, or cause or procure to be

Penalty on forging or uttering counterfeit bills, notes, or

ders or checks, by or upon the bank of the U. States.

falsely made, altered, forged or counterfeited, or willingly aid or assist in falsely making, altering, forging or counterfeiting any bill or note issued by order of the president, directors and company of the Bank of the United States, and signed by the president, and countersigned by the cashier thereof, or any order or check on the said cashier or corporation, for the payment of money, with intention to defraud the said corporation, or any other body politic or person, or shall utter or publish, as true, any false, altered, forged or counterfeited bill or note issued by order of the president, directors and company of the Bank of the United States, and signed by the president, and countersigned by the cashier thereof, or any order or check on the said cashier or corporation, for the payment of money, with intention to defraud the said corporation, or any other body politic or person, knowing the same to be falsely altered, forged or counterfeited, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, according to the due course of law, shall be sentenced to be imprisoned and kept at hard labour for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: *Provided*, that nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states over the offences declared punishable by this act.

APPROVED, June 27, 1798.

STATUTE II.

June 28, 1798.

CHAP. LXII.—*An Act in addition to the act more effectually to protect the Commerce and Coasts of the United States.*

[Obsolete.]
Captured
armed vessels
and goods may
be condemned
in the district
courts.

Ante, p. 561.
Ante, p. 578.

Forfeiture not
to extend to
captured prop-
erty of citizens
or residents in
the U. States.

Recaptured
property of cit-
izens and resi-
dents to be re-
stored, paying
salvage.

Distribution
of prizes.

Salvage to be-
long wholly to
the officers and
crew.

Court con-
demning may
order a sale,
&c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all such armed vessels as may be seized, taken and brought into any port of the United States, in pursuance of the act, entitled "An act more effectually to protect the commerce and coasts of the United States," with the apparel, guns and appurtenances of such vessels, and the goods and effects, which shall be found on board the same, shall be liable to forfeiture and condemnation, and may be libelled and proceeded against in the district courts of the United States, for the district into which the same may be brought. *Provided*, that such forfeiture shall not extend to any goods or effects, the property of any citizen or person resident within the United States, and which shall have been before taken by the crew of such captured vessel.

SEC. 2. *And be it further enacted*, That whenever any vessel the property of, or employed by any citizen of the United States, or person resident therein, or any goods or effects belonging to any such citizen or resident shall be re-captured by any public armed vessel of the United States, the same shall be restored to the former owner or owners, upon due proof, he or they paying and allowing, as and for salvage to the recaptors, one eighth part of the value of such vessel, goods and effects, free of all deductions and expenses.

SEC. 3. *And be it further enacted*, That whenever any armed vessel, captured and condemned, as aforesaid, shall have been of superior or equal force to the public armed vessel of the United States by which such capture shall have been made, the forfeiture shall be and accrue wholly to the captors: and in other cases, one half thereof shall be to the use of the United States, and the residue to the captors. And all salvage which shall be allowed and recovered upon any vessel, goods or effects re-captured, and to be restored, as aforesaid, shall belong wholly to the officers and crew of the public armed vessel of the United States by which such re-capture shall be made: and the court before whom any condemnation shall be had, as aforesaid, shall and may order the sale of

the vessel, goods and effects condemned, to be made at public auction, upon due notice by the marshal of the district in which the same shall be: and all expenses of condemnation and sale, being deducted from the proceeds, the part thereof which shall accrue to the United States, shall be paid into the public treasury, and the residue, and all allowances of salvage, as aforesaid, shall be distributed to, and among the officers and crews concerned therein, in the proportions which the President of the United States shall direct.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, to cause the officers and crews of the vessels so captured and hostile persons found on board any vessel, which shall be re-captured, as aforesaid, to be confined in any place of safety within the United States, in such manner as he may think the public interest may require, and all marshals and other officers of the United States are hereby required to execute such orders as the President may issue for the said purpose.

Officers and crews of captured vessels, &c. to be confined.

APPROVED, June 28, 1798.

STATUTE II.

CHAP. LXIII.—*An Act making an appropriation for the expenses incident to the new Regiment of Artillerists and Engineers, during the year one thousand seven hundred and ninety-eight.*

June 28, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eighty-eight thousand dollars be, and the same hereby is appropriated for the pay, subsistence, clothing, forage, bounties, quartermaster's supplies, and all contingent expenses, during the year one thousand seven hundred and ninety-eight, of the regiment of artillerists and engineers to be raised for the service of the United States, pursuant to an act, intituled "An act to provide an additional regiment of artillerists and engineers." The said sum of eighty-eight thousand dollars to be paid out of any unappropriated money in the treasury of the United States.

[Obsolete.]

1798, ch. 33.

APPROVED, June 28, 1798.

STATUTE II.

CHAP. LXIV.—*An Act supplementary to the act intituled "An act to provide an additional Armament for the further protection of the trade of the United States, and for other purposes."*

June 30, 1798.

Ante, p. 552.

[Obsolete.]

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 shall be, and he is hereby authorized to accept, in behalf of the United States, of the proposals of any persons who shall offer and undertake to complete, provide and deliver, to the use, and upon the credit of the United States, on terms, in his opinion, advantageous or convenient, any vessel or vessels, now building, or to be built within the United States, of a model and size which he shall approve, and armed and equipped, or suitable to be armed for the public service: and upon the delivery of the vessel or vessels, according to such proposals, or to the acceptance of the President of the United States, he may cause proper certificates, or other evidence of the debt or obligation of the United States incurred thereby, to be made and given at the treasury department, and which shall be there registered, to the use and benefit of the persons concerned: *Provided*, that not more than twelve vessels, in addition to those already authorized, shall and may be procured, by virtue hereof: *And provided*, that not more than six per cent. per annum, shall be allowed for any credit which shall be given under this act. And all certificates of debt shall be redeemable at the will of Congress.

The President may accept vessels on the credit of the U. States; whereupon he may cause evidence of the debt or obligation to be given therefor.

Limitation to twelve vessels.

No more than six per cent. to be allowed on credits.

Rates of the ships of war to be procured or accepted.

Ante, p. 552.

The President may accept of vessels given to the use of the U. States.

The President may regulate the rank, pay, &c. of officers, and number of men to be employed, &c.

1794, ch. 12.

The President may vary the quotas of seamen, landsmen, &c.

SEC. 2. *And be it further enacted*, That the vessels authorized by the act, intituled "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," and those which shall be authorized by this act, shall be procured and accepted according to the following rates, as nearly as may be; that is to say—six of them not exceeding eighteen guns each, and twelve of them not less than twenty, or exceeding twenty-four guns each, and six not less than thirty-two guns each; and the guns for each vessel, to be of such caliber and weight of metal, as the President of the United States shall approve; any thing in the said former act, to the contrary hereof, notwithstanding.

SEC. 3. *And be it further enacted*, That the President of the United States may, at his discretion, accept of any vessel armed and equipped, or suitable to be armed, of a model, size and force proper for the public service, which any state, body politic or corporate, citizen or citizens of the United States, shall voluntarily offer and give, for the use of the United States, to increase the naval armament.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to determine and direct, according to the rate of each vessel which shall be furnished or accepted in pursuance of this act, the rank, pay, and subsistence of the commissioned and warrant officers, who shall be appointed thereto; and the number of men to be engaged, and the pay to be allowed them, not exceeding the proportionable grades and allowances which are or shall be authorized by law, for the navy of the United States. And all officers of the said navy, according to their respective ranks, shall be appointed in the manner prescribed by the act, intituled "An act to provide a naval armament."

SEC. 5. *And be it further enacted*, That the President of the United States may, at his discretion, increase or vary the quotas of seamen, landsmen and marines, to be employed on board the frigates, and may permit a proportion of boys for them, and the other vessels of the navy of the United States, according to the exigencies of the public service.

APPROVED, June 30, 1798.

STATUTE II.

July 6, 1798.

CHAP. LXV.—*An Act providing Arms for the Militia throughout the United States.*

30,000 stands of arms to be provided, and sold to the state governments, and

Act of April 23, 1808, ch. 55.

those remaining unsold may be delivered to the militia, when called into service.

Amount of sales to be paid into the Treasury.

Appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be provided, at the charge and expense of the government of the United States, thirty thousand stand of arms, which shall be deposited by order of the President of the United States, at suitable places; for the purpose of being sold to the governments of the respective States, or the militia thereof, under such regulations, and at such prices as the President of the United States shall prescribe.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause all or any part of the arms herein directed to be provided and deposited for sale, which shall, at any time, remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same.

SEC. 3. *And be it further enacted*, That the monies arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to Congress.

SEC. 4. *And be it further enacted*, That for the purpose of carrying this act into effect, the President of the United States shall be, and he is hereby authorized to draw from the treasury of the United States, a

sum not exceeding four hundred thousand dollars, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 6, 1798.

CHAP. LXVI.—*An Act respecting Alien Enemies.*(a)

STATUTE II.

July 6, 1798.

[Expired.]

In case of war, or actual threatened invasion, the President shall make a proclamation.

Act of July 6, 1812, ch. 130.

Alien enemies how to be treated.

If not chargeable with crimes against the public safety, time shall be allowed for their departure.

All courts of criminal jurisdiction—and also the judges of the courts of the U. States may receive and hear complaints against alien enemies, and make an order thereon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. *And be it further enacted,* That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint, and suffi-

(a) Alien enemy. The fact that the commander of a private armed vessel was an alien enemy at the time of the capture, does not invalidate such capture. *The Mary and Susan*, 1 Wheat. 46; 3 Cond. Rep. 480.

Admitting it to have any operation, all that could result from it would be the condemnation of his interest to the government, as a droit of the admiralty; but his national character can in no case affect the rights of the owners and crew of the privateer. *Ibid.*

An alien enemy cannot be permitted to make the declaration required by law, preparatory to the naturalization of aliens. *Ex parte Newman*, 2 Gallis' C. C. R. 11.

An alien enemy cannot sustain a suit in a prize court, nor can a citizen claim the property of an alien enemy in a prize court, upon an alleged sale since the war. *The Emulous*, 1 Gallis. C. C. R. 563.

cient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behaviour, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed.

Marshals of the district to provide for their removal, for which he shall have a warrant.

SEC. 3. *And be it further enacted*, That it shall be the duty of the marshal of the district in which any alien enemy shall be apprehended, who by the President of the United States, or by order of any court, judge or justice, as aforesaid, shall be required to depart, and to be removed, as aforesaid, to provide therefor, and to execute such order, by himself or his deputy, or other discreet person or persons to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President of the United States, or of the court, judge or justice ordering the same, as the case may be.

APPROVED, July 6, 1798.

STATUTE II.

July 7, 1798.

CHAP. LXVII.—*An Act to declare the treaties heretofore concluded with France, no longer obligatory on the United States.*

Ante, p. 561,
565, 578.

WHEREAS the treaties concluded between the United States and France have been repeatedly violated on the part of the French government; and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations, have been repelled with indignity: And whereas, under authority of the French government, there is yet pursued against the United States, a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the government or citizens of the United States.

APPROVED, July 7, 1798.

STATUTE II.

July 9, 1798.

CHAP. LXVIII.—*An Act further to protect the Commerce of the United States.*(a)

[Expired.]
The President may instruct the commanders of public armed vessels to capture any French armed vessels.
Ante, p. 561,
565.

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 shall be, and he is hereby authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited; and shall accrue and be distributed, as by law is or shall be provided respecting

They shall be condemned and distributed.

(a) The commander of an armed vessel of the United States, has a right to stop vessels on the high seas, for examination. *Maley v. Shattuck*, 3 Cranch, 458; 1 Cond. Rep. 597.

The right of capture is entirely derived from the law; it is a limited right which is subject to all the restraints which the legislature has imposed, and is to be exercised in the manner its wisdom has prescribed. *The Thomas Gibbons*, 8 Cranch 421; 3 Cond. Rep. 193.

the captures which shall be made by the public armed vessels of the United States.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized to grant to the owners of private armed ships and vessels of the United States, who shall make application therefor, special commissions in the form which he shall direct, and under the seal of the United States; and such private armed vessels, when duly commissioned, as aforesaid, shall have the same license and authority for the subduing, seizing and capturing any armed French vessel, and for the recapture of the vessels, goods and effects of the people of the United States, as the public armed vessels of the United States may by law have; and shall be, in like manner, subject to such instructions as shall be ordered by the President of the United States, for the regulation of their conduct. And the commissions which shall be granted, as aforesaid, shall be revocable at the pleasure of the President of the United States.

The President may grant commissions to private armed vessels, which shall have the same authority to capture, as public armed vessels.

They shall be subject to instructions of the President.

SEC. 3. *Provided, and be it further enacted,* That every person intending to set forth and employ an armed vessel, and applying for a commission, as aforesaid, shall produce in writing the name, and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, the number of the crew and the name of the commander, and the two officers next in rank, appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Applicants for commissions to deliver a written description.

SEC. 4. *And provided, and be it further enacted,* That before any commission, as aforesaid, shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of seven thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of fourteen thousand dollars; with condition that the owners, and officers, and crews who shall be employed on board of such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them for the regulation of their conduct: And will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof, by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

They shall give security.

SEC. 5. *And be it further enacted,* That all armed French vessels, together with their apparel, guns and appurtenances, and any goods or effects which shall be found on board the same, being French property, and which shall be captured by any private armed vessel or vessels of the United States, duly commissioned, as aforesaid, shall be forfeited, and shall accrue to the owners thereof, and the officers and crews by whom such captures shall be made; and on due condemnation had, shall be distributed according to any agreement which shall be between them; or in failure of such agreement, then by the discretion of the court before whom such condemnation shall be.

French ships and goods captured by private armed vessels, to be condemned and distributed.

SEC. 6. *And be it further enacted,* That all vessels, goods and effects, the property of any citizen of the United States, or person resident therein, which shall be recaptured, as aforesaid, shall be restored to the lawful owners, upon payment by them, respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the United States having maritime jurisdiction according to the nature of each case: *Provided,*

American property recaptured, to be restored on the payment of salvage.

Distribution
of salvage.

Captured ves-
sels to be
brought in and
adjudicated.

Prisoners to
be reported to
the Collector
and delivered to
the Marshal,
&c.

that such allowance shall not be less than one eighth, or exceeding one half of the full value of such recapture, without any deduction. And such salvage shall be distributed to and among the owners, officers and crews of the private armed vessel or vessels entitled thereto, according to any agreement which shall be between them; or in case of no agreement, then by the decree of the court who shall determine upon such salvage.

SEC. 7. *And be it further enacted*, That before breaking bulk of any vessel which shall be captured, as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the United States, and shall be libelled and proceeded against before the district court of the same district; and if after a due course of proceedings, such capture shall be decreed as forfeited in the district court, or in the circuit court of the same district, in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the marshal of the same court, as shall be finally decreed and ordered by the court. And the same court, who shall have final jurisdiction of any libel or complaint of any capture, as aforesaid, shall and may decree restitution, in whole or in part, when the capture and restraint shall have been made without just cause, as aforesaid; and if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers and crews of the private armed vessel or vessels by which such unjust capture shall have been made, and also such vessel or vessels shall be answerable and liable.

SEC. 8. *And be it further enacted*, That all French persons and others, who shall be found acting on board any French armed vessel, which shall be captured, or on board of any vessel of the United States, which shall be recaptured, as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal, or of some civil or military officer of the United States, or of any state in or near such port; who shall take charge for their safe keeping and support, at the expense of the United States.

APPROVED, July 9, 1798.

STATUTE II.

July 9, 1798.

[Obsolete.]

CHAP. LXIX.—*An Act limiting the time, within which claims against the United States, for credits on the books of the Treasury, may be presented for allowance.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all credits on the books of the treasury of the United States, for transactions during the late war, which, according to the course of the treasury, have hitherto been discharged by issuing certificates of registered debt, shall be forever barred and precluded from settlement or allowance, unless claimed by the proper creditors, or their legal representatives on or before the first day of March, in the year one thousand seven hundred and ninety-nine. And the Secretary of the Treasury is hereby required to cause this act to be published in one or more of the public papers of each state.

APPROVED, July 9, 1798.

STATUTE II.

July 9, 1798.

[Obsolete.]
1813, ch. 36.

CHAP. LXX.—*An Act to provide for the valuation of Lands and Dwelling-Houses, and the enumeration of Slaves within the United States.*(a)

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

(a) The acts of Congress relating to the assessment of lands, &c., and slaves, for direct taxes, have been: An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves

purpose of making the valuations and enumerations herein after directed, there shall be, and are hereby designated and established, the following divisions, to wit:

Divisions designated in—

The state of New Hampshire shall contain five divisions, as follow: The first division to consist of the county of Rockingham; the second division to consist of the county of Strafford; the third division to consist of the county of Hillsborough; the fourth division to consist of the county of Cheshire; and the fifth division to consist of the county of Grafton.

New Hampshire,

The state of Massachusetts shall contain nine divisions, as follow: The first division to consist of the counties of Hancock, Washington and Lincoln; the second division to consist of the counties of York and Cumberland; the third division to consist of the county of Essex; the fourth division to consist of the counties of Suffolk and Norfolk; the fifth division to consist of the county of Middlesex; the sixth division to consist of the counties of Bristol, Plymouth, Barnstable, Duke's county and Nantucket; the seventh division to consist of the county of Worcester; the eighth division to consist of the county of Hampshire; and the ninth division to consist of the county of Berkshire.

Massachusetts,

The state of Rhode Island shall contain three divisions, as follow: The first division to consist of the counties of Newport and Bristol; the second division to consist of the counties of Washington and Kent; and the third division to consist of the county of Providence.

Rhode Island,

The state of Connecticut shall contain five divisions, as follow: The first division to consist of the counties of Hartford and Tolland; the second division to consist of the counties of New Haven and Middlesex; the third division to consist of the counties of New London and Windham, the fourth division to consist of the county of Fairfield; and the fifth division to consist of the county of Litchfield.

Connecticut,

The state of Vermont shall contain five divisions, as follow: The first division to consist of the counties of Windham and Windsor; the second division to consist of the counties of Bennington and Rutland; the third division to consist of the counties of Orange and Caledonia; the fourth division to consist of the counties of Addison and Chittenden; and the fifth division to consist of the counties of Franklin, Orleans and Essex.

Vermont,

The state of New York shall contain nine divisions, as follow: The first division to consist of the counties of Suffolk, Queen's, King's and Richmond; the second division to consist of the city and county of

New York,

within the United States, July 9, 1793, chap. 70; an act to amend the act entitled, "An act to provide for the valuation of lands and dwelling-houses, and for enumeration of slaves within the United States," February 28, 1799, chap. 20; an act supplementary to the act entitled, "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," January 2, 1800, chap. 3; an act to provide for equalizing the valuations of unseated lands, May 10, 1800, chap. 53; an act to enlarge the powers of surveyors of the revenue, May 13, 1800, chap. 60; an act to provide for completing the valuation of lands and dwelling-houses, and the enumeration of slaves in South Carolina, and for other purposes, January 30, 1805, chap. 11; an act for the assessment and collection of direct taxes, and internal duties, July 22, 1813, chap. 16; an act to provide additional revenues for defraying the expenses of government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same, January 9, 1815, chap. 21; an act to fix the compensation, and to increase the responsibility of the collectors of the direct tax and internal duties, and for other purposes connected with the collection thereof, March 3, 1815, chap. 99; an act to amend the act entitled, "An act to provide additional revenues for the expenses of the government and maintaining the public credit, by laying a direct tax on the United States, and to provide for collecting and assessing the same," &c., March 3, 1815, chap. 90; an act to fix the commissions of the collectors of the direct tax and internal duties, and to revive and continue in force "an act to provide for the collection of duties on imports and tonnage," April 27, 1816, chap. 110; an act relating to the assessment and collection of the direct tax, March 3, 1817, chap. 103; an act supplementary to the several acts relative to direct taxes and internal duties, April 20, 1818, chap. 78; an act extending the time allowed for the redemption of land sold for direct taxes, in certain cases, May 11, 1820; an act for reviving and extending the time allowed for the redemption of land sold for direct taxes in certain cases, February 4, 1822, chap. 4; an act to extend the time for the redemption of land sold for direct taxes in certain cases, March 3, 1823, chap. 45; an act to extend the time allowed for the redemption of land sold for direct taxes in certain cases, May 16, 1826, chap. 59; an act to extend the time allowed for the redemption of land sold for direct taxes in certain cases, April 28, 1828, chap. 39; act of March 5, 1816, chap. 24.

New York; the third division to consist of the counties of West Chester, Rockland, Orange and Ulster; the fourth division to consist of the counties of Dutchess and Columbia; the fifth division to consist of the counties of Rensselaer and Schoharie, and the city and county of Albany; the sixth division to consist of the counties of Washington, Clinton and Saratoga; the seventh division to consist of the counties of Montgomery, Oneida and Herkemer; the eighth division to consist of the counties of Delaware, Otsego and Chenango; and the ninth division to consist of the counties of Tioga, Onandago, Steuben and Ontario.

New Jersey,

The state of New Jersey shall contain five divisions, as follow: The first division to consist of the counties of Bergen, Essex and Middlesex; the second division to consist of the counties of Sussex and Morris; the third division to consist of the counties of Hunterdon and Somerset; the fourth division to consist of the counties of Burlington and Monmouth; and the fifth division to consist of the counties of Gloucester, Cumberland, Salem and Cape May.

Pennsylvania,

The state of Pennsylvania shall contain nine divisions, as follow: The first division to consist of the city and county of Philadelphia; the second division to consist of the counties of Delaware, Chester and Lancaster; the third division to consist of the counties of Montgomery and Bucks; the fourth division to consist of the counties of Berks and Dauphin; the fifth division to consist of the counties of Northampton, Wayne and Luzerne; the sixth division to consist of the counties of York, Cumberland and Franklin; the seventh division to consist of the counties of Northumberland, Lycoming and Mifflin; the eighth division to consist of the counties of Bedford, Somerset and Huntingdon; and the ninth division to consist of the counties of Westmoreland, Allegheny, Washington, Greene and Fayette.

Delaware,

The state of Delaware shall contain three divisions, as follow: The first division to consist of the county of New Castle; the second division to consist of the county of Kent; and the third division to consist of the county of Sussex.

Maryland,

The state of Maryland shall contain seven divisions, as follow: The first division to consist of the counties of St. Mary's, Charles and Calvert; the second division to consist of the counties of Montgomery and Prince George's (including the city of Washington); the third division to consist of the counties of Anne Arundel (including the city of Annapolis) and Baltimore (including the city of Baltimore); the fourth division to consist of the counties of Washington, Frederick and Allegany; the fifth division to consist of the counties of Harford, Cecil and Kent; the sixth division to consist of the counties of Queen Anne's, Caroline and Talbot; and the seventh division to consist of the counties of Somerset, Dorchester and Worcester.

Virginia,

The state of Virginia shall contain eleven divisions, as follow: The first division to consist of the counties of Frederick, Berkeley, Shenandoah, Rockingham, Augusta, Rockbridge, Bath and Botetourt; the second division to consist of the counties of Hampshire, Brooke, Hardy, Pendleton, Harrison, Monongalia, Ohio and Randolph; the third division to consist of the counties of Greenbrier, Kenhawa, Montgomery, Wythe, Grayson, Washington, Russell and Lee; the fourth division to consist of the counties of Patrick, Franklin, Henry, Bedford, Pittsylvania, Campbell and Halifax; the fifth division to consist of the counties of Charlotte, Prince Edward, Buckingham, Cumberland, Powhatan, Amelia, Nottaway, Lunenberg and Mecklenburg; the sixth division to consist of the counties of Chesterfield, Dinwiddie, Brunswick, Greensville, Sussex and Prince George; the seventh division to consist of the counties of Surry, Southampton, Isle of Wight, Nansemond, Norfolk and Princess Anne; the eighth division to consist of the counties of Hanover, Henrico, New Kent, Charles city, James city, Matthews,

Gloucester, York, Warwick, Elizabeth city, Accomack and North Hampton; the ninth division to consist of the counties of Caroline, King and Queen, Essex, King William, Middlesex, Lancaster, Northampton, Richmond, Westmoreland and King George; the tenth division to consist of the counties of Stafford, Culpepper, Fairfax, Fauquier, Loudoun and Prince William; and the eleventh division to consist of the counties of Spottsylvania, Orange, Madison, Louisa, Fluvanna, Goochland, Albemarle and Amherst.

The state of Kentucky shall contain five divisions, as follow: The first division to consist of the counties of Madison, Lincoln, Garrard, Mercer, Washington, and that part of the county of Franklin which lies on the south side of the Kentucky river; the second division to consist of the counties of Nelson, Shelby, Jefferson, Bullitt and Hardin; the third division to consist of the counties of Green, Logan, Christian and Warren; the fourth division to consist of the counties of Mason, Fleming, Bracken, Campbell, Harrison and Bourbon; and the fifth division to consist of the counties of Fayette, Woodford, Scott, Clark, Montgomery, and that part of Franklin county which lies on the north side of the Kentucky river.

Kentucky,

The state of North Carolina shall contain seven divisions, as follow: The first division to consist of Edenton district; the second division to consist of Newbern district; the third division to consist of Halifax district; the fourth division to consist of Hillsborough district; the fifth division to consist of Salisbury district; the sixth division to consist of Morgan district; and the seventh division to consist of Wilmington and Fayette districts.

North Carolina,

The state of Tennessee shall contain three divisions, as follow: The first division to consist of the district of Washington; the second division to consist of the district of Hamilton; and the third division to consist of the district of Mero.

Tennessee,

The state of South Carolina shall contain five divisions, as follow: The first division to consist of the districts of Charleston and Georgetown; the second division to consist of the districts of Cambden and Cheraw; the third division to consist of the districts of Pinckney and Washington; the fourth division to consist of the district of Ninety-six; and the fifth division to consist of the districts of Orangeburg and Beaufort.

South Carolina,

The state of Georgia shall contain three divisions, as follow: The first division to consist of the counties of Chatham, Bryan, Liberty, McIntosh, Glynn, Cambden and Effingham; the second division to consist of the counties of Washington, Montgomery, Scriven, Burke, Richmond, Jefferson, Warren and Columbia; and the third division to consist of the counties of Hancock, Wilkes, Green, Elbert, Oglethorpe, Jackson, and Franklin.

Georgia.

And where any new county shall have been, or hereafter may be formed, within any state, out of any one or more of the counties composing any one of the aforesaid divisions, such new county shall be considered as part of such division; and if such new county shall have been, or hereafter shall be formed out of counties lying in different divisions, then the commissioners to be appointed in pursuance of this act, shall determine to which of such divisions it shall belong.

To what division new counties shall belong.

SEC. 2. *And be it further enacted,* That the said commissioners shall, before they enter on the discharge of the duties enjoined by this act, take and subscribe, before some competent magistrate, an oath or affirmation, truly, faithfully and impartially to discharge their trust; in default of taking which oath or affirmation, before entering on the discharge of the duties aforesaid, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered in any court having competent jurisdiction, with costs of suit.

Commissioners to take an oath or affirmation.

One commissioner to be appointed for each division—they may be appointed in the recess.

Commissioners for each state to convene in a general meeting.

They may appoint a clerk—

his duty :

he shall take an oath, &c.

Penalty on the non attendance of commissioners at a general meeting, if not excused.

They may divide their states into assessment districts, and appoint assessors.

SEC. 3. *And be it further enacted,* That there shall be one commissioner appointed for each of said divisions, who shall reside within the same; and if the appointment of said commissioners, or any number of them, shall not be made during the present session of Congress, the President of the United States shall be, and he is hereby empowered to make such appointment during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 4. *And be it further enacted,* That the commissioners for each state shall, immediately, or as soon as may be, after their appointment, convene in a general meeting, at such time and place as shall be appointed and directed by the commissioner for each state, first named and qualified, according to this act; and a majority of the commissioners so convened, shall have power to adjourn to such time and place as they shall judge proper: and a majority of the commissioners to be appointed in each state according to this act, when convened according to rules to be adopted at their first meeting, shall, and are hereby declared to be a board competent to transact and discharge any business or duties enjoined by this act.

SEC. 5. *And be it further enacted,* That the said commissioners, when convened as aforesaid, shall and may appoint a suitable person to be their clerk, who shall hold his office at the pleasure of the said commissioners; whose duty it shall be to record and preserve all rules, proceedings and documents of the said commissioners, and who shall take an oath or affirmation, diligently and faithfully to discharge his trust; which oath or affirmation, either of the said commissioners is hereby authorized to administer; and in default of taking such oath or affirmation, previous to entering on the duties of the said appointment, or on failure to record diligently and truly, all or any rules or proceedings of the said commissioners, or to furnish transcripts or copies thereof, when directed by the said commissioners, or required by the Secretary of the Treasury, in writing, such clerk shall be discharged from office, and shall forfeit and pay one hundred dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction.

SEC. 6. *And be it further enacted,* That it shall be the duty of the said commissioners, to cause to be recorded and noted, the names of such of the said commissioners as shall attend any general meeting, as also the periods of their attendance, respectively; and if any commissioner shall fail to attend such general meeting, and shall not transmit or cause to be transmitted to the said commissioners, at their said meeting, or that next subsequently holden, an excuse for such absence, which shall, by a majority of the commissioners then present, be accepted as satisfactory and reasonable, such commissioner so failing, as aforesaid, shall, for every day which he may be absent, during such meeting, forfeit and pay ten dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction; or to be deducted from the compensation as hereafter established for the said commissioner: and a transcript from the records of the said commissioners, certified by their clerk, by which it shall appear that any commissioner has failed to attend a general meeting, and to transmit, or cause to be transmitted, an excuse, which shall have been accepted as satisfactory and reasonable, as aforesaid, shall and the same is hereby declared to be conclusive and legal evidence that the penalty aforesaid has been incurred.

SEC. 7. *And be it further enacted,* That the commissioners for each state, convened as aforesaid, shall be, and hereby are authorized and empowered to divide their respective states into a suitable and convenient number of assessment districts, within each of which they shall appoint one respectable freeholder to be principal assessor, and such number of respectable freeholders to be assistant assessors, as they shall

judge necessary for carrying this act into effect: *Provided*, that the Secretary of the Treasury shall be, and hereby is authorized to reduce the number of assessment districts in any state, or the number of assistant assessors in any district, if either shall appear to him to be too great: and each assessor, so appointed, and accepting the appointment, shall, before he enters on the duties of his appointment, take and subscribe, before some competent magistrate, or some commissioner to be appointed by virtue of this act, the following oath or affirmation, *to wit*: I, A. B. do swear or affirm, that I will, to the best of my knowledge, skill and judgment, diligently and faithfully execute the office and duties of assessor for (naming the assessment district) without favor or partiality, and that I will do equal right and justice in every case in which I shall act as assessor:” and a certificate of such oath or affirmation shall be delivered to the commissioner of the district for which such assessor shall have been appointed; and every assessor, acting in his said office, without having taken the said oath or affirmation, shall forfeit and pay for the use of the United States, one hundred dollars, to be recovered with costs of suit, in any court having competent jurisdiction.

Proviso.

Assessors to take an oath.

SEC. 8. *And be it further enacted*, That the commissioners for each state, convened, as aforesaid, shall be, and hereby are authorized and required to establish all such regulations, as to them, or a majority of them, shall appear suitable and necessary, for carrying this act into effect; which regulations shall be binding on each commissioner and assessor, in the performance of the duties enjoined by, or under this act; and also to frame instructions for the said assessors, informing them, and each of them, of the duties to be by them respectively performed under this act: Pursuant to which regulations and instructions, the said commissioners shall, jointly or severally, direct and cause the said assessors, and each of them, to inquire after and concerning all lands, dwelling-houses and slaves in their respective assessment districts, by reference to any records or documents, and to any lists of assessment taken under the laws of their respective states, and by all other lawful ways and means; and to value and enumerate the said dwelling-houses, lands and slaves in the manner following, to wit: Every dwelling-house above the value of one hundred dollars, with the out-houses thereto appurtenant, and the lot on which such dwelling-house and out-houses are erected, not exceeding two acres, in any case, shall be valued at the rate such dwelling-house, with the lot and appurtenances aforesaid, are worth in money with a due regard to situation.—All lands and town lots, except lots on which dwelling-houses above the value of one hundred dollars, with their appurtenances, are erected as aforesaid, shall be valued by the quantity, either in acres, or square feet, as the case may be, at the average rate which each separate and entire tract or lot is worth in money, in a due relation to other lands and lots, and with reference to all advantages, either of soil or situation, and to all buildings and other improvements of whatever kind, except dwelling-houses above the value of one hundred dollars, and the out-houses appurtenant thereto.—And all slaves, whether negroes, mulattoes or mestizoes, above the age of twelve, and under the age of fifty years, shall be enumerated in the assessment district in which they may, respectively, be kept or employed, at the time of the enumeration, except such as from fixed infirmity, or bodily disability, may be incapable of labor: *Provided*, that all property, of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States, or any state, or permanently exempted from taxation by the laws of the state wherein the same may be situated or possessed, shall be exempted from the aforesaid valuation and enumeration.

Commissioners for each state shall establish regulations, &c.

Frame instructions for assessors and direct them to inquire after all lands, houses and slaves.

and value and enumerate them.

Exemption of certain property.

SEC. 9. *And be it further enacted*, That for the purpose of making the aforesaid valuations and enumerations, the assessors to be appointed

Assessors shall distribute their districts into divisions, proceed through the same and require lists of lands, &c. to be delivered.

Form of the lists.

in each assessment district, in pursuance of this act, shall be, and hereby are authorized and required to distribute their respective assessment districts, by mutual agreement, into such number of divisions as they shall deem convenient, not exceeding the number of assistant assessors appointed for each district; after which, they shall, severally, proceed, without delay, through their respective divisions, and in general through every part of their respective assessment districts, and shall require all persons owning or possessing any dwelling-houses, lands or slaves, or having the care or management thereof, to deliver separate written lists, specifying in one list, the dwelling-houses; in another, the lands; and in a third, the slaves, owned, possessed, or superintended by them respectively, in each and every assessment district of the state, or of any other state, designating the state, county, parish, township or town, as the case may be, where the property lies; and making separate lists, as aforesaid, for the property in each: and the said lists shall specify in respect to dwelling-houses, their situation, their dimensions or area, their number of stories, the number and dimensions of their windows, the materials whereof they are built, whether wood, brick or stone, the number, description and dimensions of the out-houses appurtenant to them, and the names of their owners or occupants: And in respect to lands, the said lists shall specify the quantity of each separate tract or lot, the number, description and dimensions of all wharves and buildings thereon, except dwelling-houses above the value of one hundred dollars, and the out-houses appurtenant thereto; the name of the owner or occupant; and the quantity of land which such owner or occupant may claim, as entitled to exemption under this act, with the circumstances whereon the claim rests; and in respect to slaves, the said lists shall specify the number above the age of twelve, and under the age of fifty years, owned or possessed by, or under the care of each person, with the name of such person.

Assessors may make lists in certain cases.

SEC. 10. *And be it further enacted*, That if any person, as aforesaid, shall not be prepared to exhibit a written list, when required, and shall consent to disclose the particulars of any and all lands, dwelling-houses and slaves as aforesaid, then and in such case it shall be the duty of the assessor to make such list, which being distinctly read and consented to, shall be received as the list of such person.

Penalty on delivering or disclosing a fraudulent list.

SEC. 11. *And be it further enacted*, That if any person shall deliver or disclose to any assessor, appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby directed to be made, such person so offending, and being thereof convicted before any court having competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, nor less than one hundred dollars, at the discretion of the court, and shall pay all costs and charges of prosecution: And the valuation and enumeration of such person's property, shall in all such cases, be made as aforesaid, upon lists, according to the form above described, to be made out by the assessors, respectively; which lists the said assessors are hereby authorized and required to make, according to the best information they can obtain, and for the purpose of making which, they are hereby authorized to enter into and upon all and singular the premises respectively, and from the valuations and enumerations so made, there shall be no appeal.

How the assessors shall proceed in such case.

SEC. 12. *And be it further enacted*, That the lists aforesaid shall be taken with reference to the first day of October next; and the commissioners aforesaid shall prescribe a time to the assessors of assessment districts, within which time the said lists shall be taken and delivered to the principal assessor, to be named for that purpose, in each assessment district; which time shall not be more than thirty days from the time of receiving their precepts or warrants. And all lists of property, taken

Lists to be taken with reference to the 1st Oct. 1798, and transmitted to the principal assessors.

with reference to any other assessment district, than that in which the owner or possessor resides, shall be immediately transmitted to the commissioner superintending the district, and from him to the principal assessor of the district within which such property is situated.

SEC. 13. *And be it further enacted,* That in case any person shall be absent from his place of residence, at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor to leave at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act, within ten days from the date of such note or memorandum.

Note to be left, requiring absentees from their residence to present their lists.

SEC. 14. *And be it further enacted,* That if any person, on being required or notified as aforesaid, shall refuse or neglect to give such list or lists, as aforesaid, within the time required by this act, it shall be the duty of the assessors for the assessment district, within which such person shall reside, or of some two or more of them, and they, or some two or more of them, are hereby authorized and required, to enter into and upon the lands, dwelling-houses and premises of such person so neglecting or refusing, and to make, according to the best information which they can obtain, and on their own view, such list or lists of the lands, dwelling-houses and slaves of such person, as are required by this act; which lists, so made and subscribed, by such assessors, shall be taken and reputed as good and sufficient lists of the lands, dwelling-houses and slaves of such person, under and for the purposes of this act: And the person so failing or neglecting, unless in case of sickness, or absence from home, for the whole period from the leaving of such notification to the expiration of the said ten days, shall, moreover, forfeit and pay the sum of one hundred dollars, to be recovered, with costs of suit, in any court having competent jurisdiction; one moiety to the use of the assessors for the assessment district in which such person shall reside, and the other moiety to the use of the United States.

How to proceed when persons refuse or neglect to give lists.

Penalty on such refusal or neglect.

SEC. 15. *And be it further enacted,* That whenever there shall be, in any assessment district, any dwelling-houses, lands or slaves, not owned or possessed by any person or persons within such district, and no list of which shall be transmitted to the principal assessor of such district, in the manner provided by this act, it shall be the duty of the assessors for such district, or some one or more of them, and they, or some one or more of them, are hereby authorized and required to enter into and upon all such dwelling-houses, lands and lots, and to make lists of the same respectively, after the form prescribed by this act, and also to make lists of all slaves as aforesaid; which lists, being subscribed by the said assessor, or assessors, shall be taken and reputed as good and sufficient lists of such lands, dwelling-houses and slaves, under and for the purposes of this act.

How to proceed where dwelling-houses &c. are not possessed by any person within the assessment district, and no list is rendered.

SEC. 16. *And be it further enacted,* That the assessors, after collecting the said lists of lands, dwelling-houses and slaves, shall proceed to value and assess the same, in a just proportion, according to this act, and shall arrange and class the said lands, dwelling-houses and slaves, in three general lists; the first of which lists shall exhibit, in alphabetical order, the names of all proprietors and possessors, where known, of lots and tracts of land in such assessment district, with the quantity and valuation of each lot and tract, and the whole valuation of the lands belonging to, or possessed by any one person; the second list shall exhibit, in alphabetical order, the names of all proprietors and possessors of dwelling-houses above the value of one hundred dollars, with the description and valuation of each dwelling-house, and the appurtenances, and the quantity of land valued therewith, according to this act; and the third list shall exhibit, in alphabetical order, the names of all persons owning, possessing, or having the care of any slaves, with the number

After collecting lists the assessors shall value and assess the lands, &c. and arrange and class them in three lists.

of slaves, as aforesaid, owned by, or under the care of each person: And the forms of the said lists shall be devised and prescribed by the department of the treasury.

Penalty on assessor failing to perform his duty.

SEC. 17. *And be it further enacted*, That if any assessor shall fail to perform any duty assigned by this act, within the time prescribed in the precept, warrant or other legal instructions, not being prevented therefrom by sickness, or other unavoidable accident, every such assessor shall be discharged from office, and shall moreover forfeit and pay two hundred dollars, to be recovered for the use of the United States, in any court having competent jurisdiction, with costs of suit.

Principal assessor to give notice of valuations and enumerations, and that appeals will be received.

SEC. 18. *And be it further enacted*, That immediately after the valuations and enumerations shall have been completed, as aforesaid, the principal assessor in each assessment district, shall, by written notifications, to be publicly posted up, in at least four of the most public places in such district, advertise all persons concerned, of the place where the said lists, valuations and enumerations may be seen and examined; and that during fifteen days after the publication of the notifications, as aforesaid, appeals will be received and determined by him, relative to any erroneous or excessive valuations or enumerations by the assessor.

Principal assessor to submit the proceedings and lists of the assessors to inspection and to hear appeals.

SEC. 19. *And be it further enacted*, That it shall be the duty of the principal assessor, in each assessment district, during fifteen days after the date of public notification, to be made as aforesaid, to submit the proceedings of the assessors, and the lists by them received or taken, as aforesaid, to the inspection of any and all persons who shall apply for that purpose: And the said principal assessors are hereby authorized to receive, hear and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided always*, that the question to be determined by the principal assessor, on an appeal respecting the valuation of any lands or dwelling-houses, shall be, whether the valuation complained of be, or be not, in a just relation or proportion to other valuations in the same assessment district.

Manner of making appeals.

SEC. 20. *And be it further enacted*, That all appeals to the principal assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter or thing, respecting which a decision is requested, and shall moreover state the ground or principle of inequality or error complained of, by reference to some one or more valuations of lands or dwelling-houses in the same assessment district; and in all cases to which reference may be made in any appeal, as aforesaid, the principal assessor shall have power to re-examine and equalize the valuations as shall appear just and equitable; but no valuation shall be increased, without a previous notice of at least five days to the party interested, to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling of the party, by such assessor as the principal assessor shall designate for that purpose.

Principal assessor may equalize the valuations; but they shall not be increased without notice to the party.

After the expiration of the time for appeals the assessors shall transmit copies of their lists and abstracts of their proceedings to the commissioners.

SEC. 21. *And be it further enacted*, That immediately after the expiration of the time for receiving, hearing and deciding on appeals, and within such period as shall be prescribed by the commissioners aforesaid, the principal assessor and other assessors of each assessment district, shall make out, subscribe, and transmit to the commissioner superintending the district, exact copies, certified under their hands, of all lists respectively taken by them or either of them, as aforesaid, together with three abstracts of their proceedings; one of which abstracts shall exhibit a summary view of the valuations of all lands; and another abstract shall exhibit a summary view of the valuations of all dwelling-houses; and a third abstract shall exhibit a summary view of the enumeration of all slaves, as aforesaid, in each district; the forms of which abstracts shall be established and prescribed by the department of the treasury.

SEC. 22. *And be it further enacted*, That the commissioners, as aforesaid, shall have power, on consideration and examination of the abstracts to be rendered by the assessors, as aforesaid, and of the lists aforesaid, to revise, adjust and vary, the valuations of lands and dwelling-houses in any assessment district, by adding thereto, or deducting therefrom, such a rate per centum, as shall appear to be just and equitable: *Provided*, that the relative valuations of the different lots or tracts of land, or dwelling-houses, in the same assessment district, shall not be changed or affected: *Provided, nevertheless*, that if manifest error or imperfection shall appear in any of the said abstracts, the commissioners shall and may require of the assessors, that the said abstracts be explained and corrected, and shall and may remove from office, any and all of the said assessors, and otherwise proceed against them according to this act; and if necessary, in the opinion of a majority of the commissioners, convened in a general meeting, a new valuation may be directed, and after such valuations shall have been completed and confirmed, in the manner prescribed by this act, the said commissioners shall cause the aforesaid abstracts and lists to be transmitted to the Secretary of the Treasury; in default of which, they shall severally forfeit and pay, for the use of the United States, two hundred dollars, to be recovered with costs of suit, in any court having competent jurisdiction.

SEC. 23. *And be it further enacted*, That the said commissioners, as aforesaid, shall and may direct the principal assessors of each assessment district, to register and record the lists, valuations and enumerations made by the assessors, as aforesaid; and to add to, or deduct from the valuations of the lands and dwelling-houses of each individual, such a rate per centum, as shall be determined by the commissioners, as aforesaid.

SEC. 24. *And be it further enacted*, That after the valuations, enumerations, and records thereof, shall have been completed, according to this act, it shall be lawful for the supervisors of districts comprehending but one survey of inspection, and the inspectors of surveys in districts comprehending more than one survey of inspection, with the concurrence of the supervisors of such districts, to depute one skilful and fit person, in each assessment district, to be surveyor of the revenue; and every surveyor of the revenue, so appointed, shall give bond, with surety, in a sum not less than five hundred nor more than two thousand dollars, for the diligent and faithful execution of his office, and shall take and subscribe an oath or affirmation, truly, faithfully and impartially to discharge the duties enjoined by this act; and a certificate of the said oath or affirmation, with the said bond, shall be transmitted to, and lodged in the office of the supervisor of the district.

SEC. 25. *And be it further enacted*, That it shall be the duty of the surveyors of the revenue to receive and safely preserve the records of the lists, valuations and enumerations herein before mentioned; and the said surveyors shall keep true and exact accounts of the valuation of the lands and dwelling-houses belonging to each and every individual, distinguishing each tract, lot and dwelling-house. And whenever any lands or dwelling-houses, included in the said valuation, shall be alienated, or in any way transferred, it shall be the duty of the surveyor of the revenue for the district, if a dwelling-house, or an entire tract or lot has been alienated, to charge the amount of the valuation thereon, to an account with the purchaser, and to credit the account of the person disposing of the same; and whenever a tract of land, lot, or dwelling-house, shall be divided by sale or partition, the said surveyor shall by entry and view of the said land or dwelling-house, or by other lawful ways and means, inform himself of the relative value of the different parts of the original tract or lot, or dwelling-house so divided, and shall apportion the value of the entire tract or lot, or dwelling-house, as shall be just

The commissioners may revise the valuations.

Relative valuations not to be changed.

If manifest error, &c. appear in the abstracts they may require the assessors to correct them, &c.

Abstracts and lists to be transmitted to the Treasury.

The commissioners shall and may direct the principal assessors to record the lists, &c. and add to or deduct from the valuations.

Supervisors and inspectors to depute a person in each assessment district to be surveyor of the revenue.

Surveyors of the revenue to receive the records of the lists, &c.

Their duty on sale or division of lands, &c.

On the erection of new dwelling-houses, &c. or the ceasing of property to be exempted from taxation, under the state laws ;

and on a house being destroyed or damaged by accident.

Proviso.

On receiving warrants, surveyors of the revenue shall enumerate slaves, report the number and value of houses, &c.

They shall submit their books, &c. to inspection, and grant copies.

Compensations.

To commissioners.

To clerks.

To assistant assessors.

To principal assessors.

Charges for books and stationery.

and equitable; and shall enter and record the same, in manner aforesaid. And whenever, and so often as a new dwelling-house shall be erected and inhabited, after the first day of October next, or any dwelling-houses or lands, which, at the time of making the said valuation, shall be exempted from taxation by the laws of the state where the same shall be situated, shall cease to be so exempted, the said surveyors shall and may, in their respective districts, proceed to value and assess the same, in like manner, and on the principles herein before prescribed, in respect to valuations of dwelling-houses and lands, and shall add the same to the valuations to be made by assessors, as aforesaid. And whenever, and so often as any dwelling-house shall be destroyed or damaged, by fire, or other accident, it shall be lawful for the surveyors to cancel the valuations thereon, if such house be wholly destroyed; or if such house be merely damaged or impaired, to reduce the valuation thereon, to such sum as shall be just and equitable: *Provided*, that no change of the valuation of any dwelling-house, shall be valid, until the same shall have been approved by the inspector of the survey, or the supervisor of the district, if comprehending but one survey of inspection.

SEC. 26. *And be it further enacted*, That it shall be the duty of the surveyors of the revenue, whenever they shall receive precepts or warrants for that purpose, from the inspectors of surveys, or the supervisors of districts comprehending but one survey of inspection, to enumerate any and all slaves in their respective districts above the age of twelve and under the age of fifty years, except such as from fixed infirmity, or bodily disability, may be incapable of labour, as aforesaid, and to report the number thereof, as also the number of houses, with the valuations thereof, respectively, and the valuation of any and all lands, and also to compute and state the taxes which may be due and payable by each and every individual; and to deliver true and correct lists thereof, to the persons who may be appointed to receive the same.

SEC. 27. *And be it further enacted*, That the said surveyors of the revenue shall, at all times, submit the inspection of their books and records, to the supervisors and inspectors of the internal revenues of the United States, or to any person authorized and deputed by the Secretary of the Treasury, for that purpose; and shall, moreover, grant and certify copies or transcripts therefrom, to any persons who shall apply for the same, and who shall previously tender or pay the fees hereafter allowed and established therefor.

SEC. 28. *And be it further enacted*, That the following compensations shall be allowed to the commissioners, clerks and assessors aforesaid, for services to be performed under this act.

To each commissioner, one hundred and fifty dollars, in addition to an allowance of three dollars per diem, for each and every day, in going to, attending at, and returning from any general meeting of the said commissioners, or in visiting the several assessment districts, in pursuance of any resolution of the said commissioners.

To each clerk of the commissioners, a compensation for the time they may be employed, not exceeding the rate of five hundred dollars per annum.

To each assessor, other than principal assessors, one dollar and fifty cents per diem, for every day employed in collecting lists; and also one dollar per diem for every day employed in arranging the said lists, and making the valuations and enumerations.

To each principal assessor, one dollar and fifty cents for every day employed in receiving and arranging lists, and hearing appeals, and in recording the lists, valuations and enumerations aforesaid, and corresponding with commissioners: and in addition to the said allowances and compensations, the said commissioners and assessors shall be allowed their necessary and reasonable charges for books and stationery: and

the accounts of the assessors shall be certified by, and presented to the commissioners, in the name of the principal assessor of each assessment district, who shall be responsible to the other assessors. And the accounts of the assessors and commissioners in each state, shall be presented at the treasury, for adjustment, in the name of some one of the commissioners, to be designated for that purpose, by the other commissioners, who shall distribute the sums payable to the principal assessors, aforesaid: *Provided*, that no allowance shall be made to the assessors, other than for the expense of books and stationery, until it shall be ascertained and certified to the satisfaction of the commissioners, that the services directed by this act have been performed. And all letters or packets to or from any commissioner, appointed under this act, shall, within the limits of the state for which such commissioner is appointed, be conveyed by post, free of postage.

How accounts are to be presented.

No allowance to be made to assessors until, &c.

Letters, &c. to and from commissioners free, &c.

SEC. 29. *And be it further enacted*, That the surveyors of the revenue shall be allowed the following compensations, for services to be performed under this act: For recording each and every transfer of the valuation of every entire tract of land, or dwelling-house, twelve and an half cents: For apportioning each and every valuation of a tract of land, lot or dwelling-house, and recording the same, in consequence of any division or partition thereof, fifty cents for every division of the original tract, lot or dwelling-house: For viewing each and every dwelling-house, in consequence of an application for the reduction of a valuation, and for recording the proceedings thereon, one dollar: For every official certificate, except such as may be required by the treasury department, or the supervisors, inspectors or collectors of the revenue, twenty-five cents. And the compensations aforesaid shall be paid by the party or parties applying for such reduction, record, exoneration, or apportionment.

Compensation to surveyors of the revenue.

SEC. 30. *And be it further enacted*, That for the purpose of defraying the expenses incident to the valuations and enumerations directed by this act, there be appropriated the sum of one hundred and fifty thousand dollars, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Appropriation for the objects of the act.

APPROVED, July 9, 1798.

STATUTE II.

July 11, 1798.

[Repealed.]

CHAP. LXXI.—*An Act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts.*

Allowances, in lieu of the former, to supervisors.

1791, ch. 15.
1802, ch. 19.
1815, ch. 9.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the compensations now established, there shall, from and after the first day of July, instant, be allowed, for the collection of the internal duties which have heretofore been imposed by law, the respective compensations following, to wit:

To the supervisor of the district of Virginia, an annual salary of one thousand three hundred and fifty dollars.

To the supervisor of the district of Pennsylvania, an annual salary of one thousand two hundred dollars.

To each of the supervisors of Massachusetts, New York, Maryland, North Carolina, and South Carolina, an annual salary of one thousand dollars.

To each of the supervisors of Connecticut and Ohio, an annual salary of seven hundred dollars.

To each of the supervisors of Rhode Island and New Jersey, an annual salary of six hundred dollars.

To each of the supervisors of New Hampshire, Vermont, Delaware, Tennessee, and Georgia, an annual salary of five hundred dollars.

Allowance
for clerk hire.

SEC. 2. *And be it further enacted,* That the following sums shall be allowed to the supervisors for clerk hire, in their respective offices, to wit :

To the supervisors of Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, eight hundred dollars per annum, each.

To the supervisors of New Hampshire, Rhode Island, Connecticut, New Jersey, and Georgia, four hundred dollars per annum, each.

To the supervisors of Vermont, Delaware, Ohio and Tennessee, three hundred dollars per annum, each.

Commissions
allowed to the
supervisors.

SEC. 3. *And be it further enacted,* That the supervisors shall, severally, be allowed, in addition to the salaries aforesaid, the same commissions on the product of all the internal duties heretofore imposed and collected in their respective districts, as have been heretofore allowed under the authority of the President of the United States.

Annual salary
to inspectors of
surveys.

SEC. 4. *And be it further enacted,* That the inspectors of surveys now established under the authority of the President of the United States, in the several districts, not being also supervisors, shall each be allowed an annual salary of five hundred dollars.

Allowance to
inspectors for
clerk hire.

SEC. 5. *And be it further enacted,* That each of the inspectors, not being also a supervisor, shall, in addition to the salary aforesaid, and to the commissions heretofore allowed to them by the President of the United States, be allowed two hundred dollars per annum for clerk hire in their respective offices.

Commissions
to collectors.

SEC. 6. *And be it further enacted,* That the collectors of the revenue shall be allowed a commission of six per centum on the product of all the internal duties heretofore imposed, and by them respectively received; except that in the districts of Massachusetts and Rhode Island, a commission of four per centum, only, shall be allowed to the said collectors upon the amount of duties arising from spirits distilled from foreign materials.

Annual sala-
ries to collectors
and auxiliary
officers.

SEC. 7. *And be it further enacted,* That it shall be lawful for the supervisors of districts, to apportion and allow to such of the collectors of the revenue, and auxiliary officers, as, for the execution of the public service, it shall appear to them really necessary so to compensate, yearly salaries, not exceeding the medium rate of eighty dollars to the collectors of the revenue actually employed, nor exceeding the medium rate of thirty dollars to the auxiliary officers actually employed, nor exceeding the sums following, in the respective districts, to wit: In New Hampshire, four hundred and twenty dollars; in Massachusetts, one thousand four hundred and sixty dollars; in Rhode Island, two hundred and fifty dollars; in Connecticut, six hundred dollars; in Vermont, four hundred and twenty dollars; in New York, one thousand and ninety dollars; in New Jersey, eight hundred and twenty dollars; in Pennsylvania, one thousand six hundred and ten dollars; in Delaware, three hundred and thirty dollars; in Maryland, one thousand five hundred dollars; in Virginia, four thousand six hundred and fifty dollars; in Ohio, seven hundred and ninety dollars; in Tennessee, three hundred and thirty dollars; in North Carolina, two thousand seven hundred and eighty dollars; in South Carolina, two thousand three hundred and forty dollars; and in Georgia, six hundred and sixty dollars.

Other allow-
ances to super-
visors, inspec-
tors, &c.

SEC. 8. *And be it further enacted,* That the supervisors shall be allowed, for preparing, stamping and distributing among the inspectors, one cent for every certificate to accompany foreign or domestic spirits, wines or teas, actually issued in the surveys and ports of their respective districts; that the inspectors of surveys, and such of the supervisors as perform the same duties, shall be allowed two cents and one half for each certificate signed by them and issued to accompany domestic distilled spirits, and one cent for each certificate signed by them, and issued to

accompany foreign distilled spirits; that the inspectors of the revenue for ports, shall be allowed one cent and one half, for every certificate issued in their ports, respectively, to accompany foreign distilled spirits, and two cents and one half, for every certificate to accompany wines or teas; and to the deputies of such inspectors, the sum of two cents and one half for every cask or package of foreign distilled spirits, wines or teas, by them marked, according to law, and returned to their respective principals; and for gauging wines, whereon the duties are payable according to the value thereof, six cents for every cask actually gauged, and that the collectors of the revenue shall be allowed for measuring and marking, according to law, each still under the capacity of one hundred gallons, sixty cents, and for each still of the capacity of one hundred gallons, or more, seventy-five cents, and for marking each cask of domestic distilled spirits, and for issuing and countersigning a certificate to accompany the same, two and one half cents, and for every cask which they respectively gauge or cause to be gauged, six cents.

SEC. 9. *And be it further enacted,* That it shall be lawful, this act notwithstanding, for the collectors of the revenue to demand of individuals the fee or extra compensation authorized by the seventh section of the act passed on the twenty-eighth day of May, one thousand seven hundred and ninety-six, intituled "An act laying duties upon carriages for the conveyance of persons; and repealing the former act for that purpose," in the manner and on the conditions thereby prescribed.

Fee to collectors under the act laying duties on carriages.

Ante, p. 478.

SEC. 10. *And be it further enacted,* That from and after the first day of July, instant, it shall be the duty of the several officers employed or to be employed in collecting the internal revenues of the United States, to keep accurate accounts of their official emoluments and expenditures, and the same to transmit annually, on the last day of December, to the commissioner of the revenue; abstracts of which accounts shall, annually, be laid before Congress, by the Secretary of the Treasury.

Officers employed in the collection of the internal revenues to keep accounts of their emoluments, &c.

SEC. 11. *And be it further enacted,* That the necessary expenses of procuring books, stationery, printed forms, certificates, and other documents, necessary for the collection of the internal revenues, shall and may be allowed to the supervisors, inspectors and collectors of the revenue, in the settlement of their accounts. And all letters and packets to and from the said supervisors and inspectors of the revenue, on business of their respective offices, shall be received and conveyed by post, free of postage.

Allowance for books, printing, &c.

Free letters.

SEC. 12. *And be it further enacted,* That the supervisors of districts, inspectors of surveys, and collectors of the revenue, shall, within three months after being thereto required, give bonds, with sureties, for the true and faithful execution of their respective offices, and settlement of their accounts, according to law, in manner following, to wit: The supervisors of Massachusetts, New York, Pennsylvania, and Virginia, in the sum of twenty-five thousand dollars, each; the supervisors of New Hampshire, Rhode Island, Connecticut, New Jersey, Maryland, North Carolina and South Carolina, in the sum of fifteen thousand dollars, each; and the supervisors of Vermont, Delaware, Ohio, Tennessee and Georgia, in the sum of ten thousand dollars, each; and the inspectors of the several surveys, in the sum of ten thousand dollars, each; which bonds shall be severally approved by the comptroller of the treasury, and shall be filed in his office, to be by him put in suit for the benefit of the United States, upon any breach of the conditions thereof; and the collectors of the revenue shall severally give like bonds, with sureties, in a sum not less than three thousand dollars; which bonds shall be approved by the supervisors of the respective districts, and shall be filed in their offices to be by them put in suit, upon any breach of the conditions thereof.

Supervisors, inspectors and collectors to give bond.

SEC. 13. *And be it further enacted,* That all suits on bonds taken in pursuance of this act, shall be instituted and determined in the man-

Suits on such bonds how to be

instituted and determined.

Ante, p. 512.

What shall be evidence.

When the bonds of supervisors &c. shall be forfeited.

Judgment thereon at the return term.

Lien upon the real estate of officers of the revenue for debts due to the United States.

Mode of sale of their real estate.

Repeal of laws authorizing the President to fix or vary the compensations, &c.

STATUTE II.

July 11, 1798.

ner prescribed by the act, passed on the third day of March, one thousand seven hundred and ninety-seven, intituled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money;" and in all suits instituted against an inspector of any survey, or collector of the revenue, transcripts from the books of the supervisor of the proper district, or copies of any papers or other documents relating to the accounts of such inspector or collector, duly authenticated, under the seal of the said supervisor, shall have equal validity, and be entitled to the same credit which would be due to the original papers, if produced in open court; subject nevertheless to the condition mentioned in the second section of the act above recited.

SEC. 14. *And be it further enacted*, That the bond of any supervisor or other officer of the revenue, who shall neglect or refuse, for more than six months, to make up, and render to the proper officer, his accounts of all duties collected or secured, pursuant to such forms and regulations as have been, or shall be prescribed, according to law, or to verify such accounts on oath or affirmation, if thereto required, or to pay over the monies which shall have been collected, shall be deemed forfeited, and judgment thereon shall and may be taken at the return term, on motion, to be made in open court, by the attorney of the United States, unless sufficient cause to the contrary be shown to, and allowed by the court: *Provided always*, that the writ or process, in such case, shall have been executed at least fourteen days before the return day thereof.

SEC. 15. *And be it further enacted*, That the amount of all debts due to the United States, by any supervisor or other officer of the revenue, whether secured by bond or otherwise, shall, and hereby is declared to be a lien upon the lands and real estate of such supervisor or other officer of the revenue, and their sureties, from the time when a suit shall be instituted for recovering the same; and for want of goods and chattels, or other personal effects of such supervisor, or other officer of the revenue, or their sureties, to satisfy any judgment which shall or may be recovered against them, respectively, such lands and real estates may be sold at public auction, after being advertised for at least three weeks, in not less than three public places in the proper district, survey or division, and in one newspaper printed in the county, if any there be, at least six weeks prior to the proposed time of sale; and for all lands and real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall afford a valid title against all persons claiming under such supervisor, or other officer of the revenue, or their sureties, respectively.

SEC. 16. *And be it further enacted*, That from and after the said first day of July, instant, so much of any law or laws as authorizes the President of the United States to fix or vary the compensation of the officers employed in the collection of the internal revenues, or limits the yearly sums to be allowed to them, be, and the same is hereby repealed.

APPROVED, July 11, 1798.

CHAP. LXXII.—*An Act for the establishing and organizing a Marine Corps.* (a)

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

(a) The acts passed by Congress relating to the marine corps, are: An act for the establishing and organizing a marine corps, June 11, 1798, chap. 72; an act authorizing an augmentation of the marine corps, March 2, 1799, chap. 37; an act authorizing an augmentation of the marine corps, March 3, 1809, chap. 33; an act authorizing an augmentation of the marine corps, and for other purposes, April 16, 1814, chap. 68; resolution in relation to the compensation of officers of the marine corps, May 29, 1830; an act concerning certain officers of the marine corps, July 14, 1832, chap. 223; resolution respecting the pay of the marine corps, May 25, 1832; an act to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion, March 2, 1833,

tion to the present military establishment, there shall be raised and organized a corps of marines, which shall consist of one major, four captains, sixteen first lieutenants, twelve second lieutenants, forty-eight sergeants, forty-eight corporals, thirty-two drums and fifes, and seven hundred and twenty privates, including the marines who have been enlisted, or are authorized to be raised for the naval armament; and the said corps may be formed into as many companies or detachments, as the President of the United States shall direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment.

A corps of marines to be raised.

Formation of it.

Pay and subsistence.

Ante, p. 523.

President may commission officers in the recess.

Enlistments for three years, &c.

If ordered to do duty on shore, staff officers how to be appointed.

SEC. 2. *And be it further enacted*, That the pay and subsistence of the said officers, privates and musicians, shall be as follows, to wit: To a major, fifty dollars per month, and four rations per day; to a captain, forty dollars per month, and three rations per day; to a first lieutenant, thirty dollars per month, and three rations per day; to a second lieutenant, twenty-five dollars per month, and two rations per day; and to the non-commissioned officers, privates and musicians, conformably to the act, intitled "An act providing a naval armament," as shall be fixed by the President of the United States: And the President of the United States shall be, and is hereby authorized to continue the enlistment of marines, until the said corps shall be complete; and of himself, to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And the enlistments, which shall be made by virtue hereof, may be for the term of three years, subject to be discharged by the President of the United States, or by the ceasing or repeal of the laws providing for the naval armament. And if the marine corps, or any part of it, shall be ordered by the President to do duty on shore, and it shall become necessary to appoint an adjutant, paymaster, quartermaster, sergeant-major, quartermaster-sergeant, and drum and fife-major, or any of them, the major or commandant of the corps, is hereby authorized to appoint such staff officer or officers, from the line of subalterns, sergeants and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments, which are allowed by law, to officers acting in the same capacities in the infantry.

Detachments of the corps to be in lieu of the quotas established for the frigates, &c.

SEC. 3. *And be it further enacted*, That the detachments of the corps of marines hereby authorized, shall be made in lieu of the respective quotas of marines, which have been established or authorized for the frigates, and other armed vessels and galleys, which shall be employed in the service of the United States: And the President of the United States may detach and appoint such of the officers of this marine corps, to act on board the frigates, and any of the armed vessels of the United States, respectively, as he shall, from time to time, judge necessary; any thing in the act "providing a naval armament" to the contrary hereof notwithstanding.

They shall take an oath; and how they shall be governed.

Allowance in case of wounds, &c.
Ante, p. 483.

SEC. 4. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid, shall take the same oath, and shall be governed by the same rules and articles of war, as are prescribed for the military establishment of the United States, and by the rules for the regulation of the navy, heretofore, or which shall be established by law, according to the nature of the service in which they shall be employed, and shall be entitled to the same allowance, in case of wounds or disabilities, according to their respective ranks, as are granted by the act "to ascertain and fix the military establishment of the United States."

SEC. 5. *And be it further enacted*, That the non-commissioned of-

chap. 68; an act for the better organization of the marine corps of the United States, June 30, 1834, chap. 132; an act making certain allowances, and granting certain arrearages to the captains and subalterns in the United States corps of marines June 30, 1834, chap. 142.

Exemption from arrest for debts and contracts.

What duty they shall be subject to do.

ficers, musicians, seamen and marines, who are or shall be enlisted into the service of the United States; and the non-commissioned officers and musicians, who are or shall be enlisted into the army of the United States, shall be, and they are hereby exempted, during their term of service, from all personal arrests for any debt or contract.

SEC. 6. *And be it further enacted*, That the marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, shall direct.

APPROVED, July 11, 1798.

STATUTE II.

July 14, 1798.

CHAP. LXXIII.—*An Act establishing an annual salary for the Surveyor of the port of Gloucester.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the surveyor of the port of Gloucester, in the state of Massachusetts, the yearly salary of two hundred and fifty dollars; to commence from the last day of March, in the year of our Lord one thousand seven hundred and ninety-seven.

APPROVED, July 14, 1798.

STATUTE II.

July 14, 1798.

CHAP. LXXIV.—*An Act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."*

[Expired.]

Penalty on unlawful combinations to oppose the measures of government, &c.

Ante, p. 112.

And with such intent counselling &c. insurrections, riots, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court may be holden to find sureties for his good behaviour in such sum, and for such time, as the said court may direct.

Penalty on libelling the government.

SEC. 2. *And be it further enacted*, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by

the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

SEC. 3. *And be it further enacted and declared,* That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

SEC. 4. *And be it further enacted,* That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: *Provided,* that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.

APPROVED, July 14, 1798.

Truth of the matter may be given in evidence.

The jury shall determine the law and the fact, under the court's direction.

Limitation.

STATUTE II.

July 14, 1798.

CHAP. LXXV.—*An Act to lay and collect a direct tax within 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 a direct tax of two millions of dollars shall be, and hereby is laid upon the United States, and apportioned to the states respectively, in the manner following:—

[Obsolete.]
Act of July 9, 1798, ch. 70.

A direct tax of two millions laid.

1802, ch. 12.
Apportionment.

To the state of New Hampshire, seventy-seven thousand seven hundred and five dollars, thirty-six cents and two mills.

To the state of Massachusetts, two hundred and sixty thousand four hundred and thirty-five dollars, thirty-one cents and two mills.

To the state of Rhode Island, thirty-seven thousand five hundred and two dollars and eight cents.

To the state of Connecticut, one hundred and twenty-nine thousand seven hundred and sixty-seven dollars, and two mills.

To the state of Vermont, forty-six thousand eight hundred and sixty-four dollars eighteen cents and seven mills.

To the state of New York, one hundred and eighty-one thousand six hundred and eighty dollars, seventy cents and seven mills.

To the state of New Jersey, ninety-eight thousand three hundred and eighty-seven dollars, twenty-five cents, and three mills.

To the state of Pennsylvania, two hundred and thirty-seven thousand one hundred and seventy-seven dollars, seventy-two cents and seven mills.

To the state of Delaware, thirty thousand four hundred and thirty dollars, seventy-nine cents, and two mills.

To the state of Maryland, one hundred and fifty-two thousand five hundred and ninety-nine dollars, ninety-five cents, and four mills.

To the state of Virginia, three hundred and forty-five thousand four hundred and eighty-eight dollars, sixty-six cents, and five mills.

To the state of Kentucky, thirty-seven thousand six hundred and forty-three dollars, ninety-nine cents, and seven mills.

To the state of North Carolina, one hundred and ninety-three thousand six hundred and ninety-seven dollars, ninety-six cents, and five mills.

To the state of Tennessee, eighteen thousand eight hundred and six dollars, thirty-eight cents, and three mills.

To the state of South Carolina, one hundred and twelve thousand nine hundred and ninety-seven dollars, seventy-three cents and nine mills.

And to the state of Georgia, thirty-eight thousand eight hundred and fourteen dollars, eighty-seven cents, and five mills.

How it shall
be collected.

It shall be as-
sessed on dwell-
ing houses,
lands and
slaves;

1798, ch. 70.

At what rate
upon dwelling
houses.

SEC. 2. *And be it further enacted,* That the said tax shall be collected by the supervisors, inspectors and collectors of the internal revenues of the United States, under the direction of the Secretary of the Treasury, and pursuant to such regulations as he shall establish; and shall be assessed upon dwelling-houses, lands and slaves, according to the valuations and enumerations to be made pursuant to the act, intitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," and in the following manner:

Upon every dwelling-house which, with the out-houses appurtenant thereto, and the lot whereon the same are erected, not exceeding two acres in any case, shall be valued in manner aforesaid, at more than one hundred, and not more than five hundred dollars, there shall be assessed in the manner herein provided, a sum equal to two tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than five hundred, and not more than one thousand dollars, there shall be assessed a sum equal to three tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than one thousand dollars, there shall be assessed a sum equal to four tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than three thousand, and not more than six thousand dollars, there shall be assessed a sum equal to one half of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than six, and not more than ten thousand dollars, there shall be assessed a sum equal to six tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than ten, and not more than fifteen thousand dollars, there shall be assessed a sum equal to seven tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than fifteen, and not more than twenty-thousand dollars, there shall be assessed a sum equal to eight tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than twenty, and not more than thirty thousand dollars, there shall be assessed a sum equal to nine tenths of one per centum on the amount of the valuation; and upon every dwelling-house which shall be valued as aforesaid, at more than thirty thousand dollars, there shall be assessed a sum equal to one per centum on the amount of the valuation.

At what rate
upon slaves:

and the residue
of the appor-
tionment shall
be assessed up-
on lands.

Saving of lands
and houses ex-
empted by the
laws of the
states.

And upon every slave which shall be enumerated according to the act aforesaid, there shall be assessed fifty cents.

And the whole amount of the sums so to be assessed upon dwelling-houses and slaves within each state respectively, shall be deducted from the sum hereby apportioned to such state, and the remainder of the said sum shall be assessed upon the lands within such state according to the valuations to be made pursuant to the act aforesaid, and at such rate per centum as will be sufficient to produce the said remainder: *Provided,* that no part of said tax shall be assessed upon such lands or dwelling-houses and slaves as at the time of passing this act are especially exempted from taxes by the laws of the states, respectively.

SEC. 3. *And be it further enacted,* That the aforesaid assessments shall be made by the supervisors of the several districts within the United States respectively, and pursuant to instructions from the Secretary of

the Treasury; which instructions the said Secretary shall be, and hereby is authorized and required to issue to such supervisors or any of them, so soon as the valuations and enumerations directed to be made by the aforesaid act shall have been completed in the state to which such supervisor belongs. And the said tax shall become due and payable from and after the expiration of three months after the instructions aforesaid shall have been received by the supervisors respectively: *Provided*, that if, on making the assessments as aforesaid, it should appear that the sums so to be assessed on houses and slaves within any state will exceed the sum hereby apportioned to such state, then the supervisor shall be, and hereby is authorized and required to deduct from the sums so to be assessed on houses, such rate per centum as shall be sufficient to reduce the whole amount of the said assessments, to the sum apportioned to such state, as aforesaid.

Assessments to be made by the supervisors.

When the tax shall become due.

What is to be done, if assessments on houses and slaves exceed the apportionment.

SEC. 4. *And be it further enacted*, That the said supervisors shall be, and hereby are authorized and required to appoint such and so many suitable persons in each assessment district within their respective districts, as may be necessary for collecting the said tax, and shall assign to them, respectively, their collection districts therein; which persons shall be collectors within their respective collection districts, and shall collect the said tax under the direction of the supervisors respectively, and according to the regulations and provisions contained in this act, or to be established pursuant thereto.

Supervisors shall appoint collectors.

SEC. 5. *And be it further enacted*, That so soon as the aforesaid assessment shall have been completed, the said supervisors shall, by special warrants, under their hands, respectively, cause the surveyors of the revenue within their respective districts, to make out lists containing the sums payable, according to such assessments, for every dwelling-house, tract or lot of land, and slave, within each collection district, respectively; which lists shall contain the name of the proprietor or occupant of each dwelling-house, tract or lot of land and slave, within the collection district, or of the person having the care or superintendence of them, or any of them, where such proprietor, occupant or superintendent is known, and the whole sum payable by each person within the said district, distinguishing what is payable for dwelling-houses, what for slaves, and what for lands. And where there are lands, slaves or dwelling-houses within any collection district, not owned, or occupied by, or under the care or superintendence of any person resident therein, there shall be a separate list of such lands, dwelling-houses and slaves, specifying the sums payable for each, and the names of the proprietors or superintendents, respectively, where known.

Surveyor of the revenue to make out lists of taxes.

SEC. 6. *And be it further enacted*, That each of the collectors, to be appointed as aforesaid, shall be furnished by the surveyor of the revenue for the assessment district within which he shall have been so appointed, with one or more of the said lists, signed and certified by such surveyor. And each collector, on receiving a list as aforesaid, shall subscribe three receipts; one of which shall be given on a full and correct copy of such list, and the other two on aggregate statements thereof, exhibiting the number and valuation of dwelling-houses, the number of slaves, and the amount of the valuation of lands in such collection district, with the amount of the taxes assessed thereon. And the list first mentioned, and receipt, shall remain in the office of the surveyor of the revenue, and shall be opened to the inspection of any person who may apply to inspect the same; and the aggregate statements and receipts aforesaid, shall be transmitted to the inspector of the survey, and one of them shall be by him transmitted to the supervisor of the district.

Collectors to be furnished with lists.

SEC. 7. *And be it further enacted*, That each collector, before receiving any list as aforesaid, for collection, shall give bond, with one or

Collectors to give bond.

more good and sufficient sureties, in at least double the amount of the taxes assessed on the collection district for which he may be appointed; which bond shall be payable to the United States, with condition for the true and faithful discharge of the duties of his office, according to law, and particularly, for the due collection and payment of all monies assessed upon such district.

Tax to be a lien upon the land, &c.

SEC. 8. *And be it further enacted*, That the aforesaid tax shall be, and remain a lien upon all lands, and other real estate, and all slaves, of the individuals who may be assessed for the same, during two years after the time when it shall become due and payable according to this act; and the said lien shall extend to each and every part of all tracts or lots of land, or dwelling-houses, which shall be valued according to the aforesaid act, notwithstanding the same may have been divided or alienated, in part, unless an apportionment of the valuation thereof shall have been made and recorded pursuant to the aforesaid act, prior to the time when the collection lists shall have been stated, in manner herein before prescribed.

How the collectors shall demand and enforce payment.

SEC. 9. *And be it further enacted*, That each of the said collectors shall, immediately after receiving his collection list, advertise, by notifications, to be posted up in at least four public places in each collection district, that the said tax has become due and payable and the times and places at which he will attend to receive the same; and, in respect to persons who shall not attend, according to such notifications, it shall be the duty of each collector to apply once at their respective dwellings, within such district, and there demand the taxes payable by such persons; and if the said taxes shall not be then paid, or within twenty days thereafter, it shall be lawful for such collector to proceed to collect the said taxes, by distress and sale of the goods, chattels or effects of the persons delinquent as aforesaid, with a commission of eight per centum upon the said taxes, to and for the use of such collector: *Provided*, that it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or the household utensils, or apparel necessary for a family.

SEC. 10. *And be it further enacted*, That except, as aforesaid, all goods, chattels, and personal effects whatever, being or remaining on lands, subject to the said tax; and all grass, or produce of farms, standing and growing thereon, shall and may be taken and sold for the payment of the said tax, under such regulations as have been or may be made for the sale of goods or effects taken and sold by distress: *Provided*, that nothing herein contained shall invalidate or impair any contract or agreement between any landlord, tenant, or other person, relative to the payment of taxes.

Provision for the case where lands, &c. are not possessed by a person in the collection district.

SEC. 11. *And be it further enacted*, That in respect to lands, dwelling-houses and slaves, which shall not be owned by, or in the occupation, or under the care or superintendence of some person within the collection district where the same shall be situated or found at the time of the assessment aforesaid, the said collectors respectively, upon receiving lists of such lands, dwelling-houses, or slaves, in manner aforesaid, shall transmit copies of such lists, certified under their hands respectively, to the surveyors of the revenue for the assessment districts respectively within which the persons owning, or having the care and superintendence of such dwelling-houses, lands, or slaves, may reside, if such persons be known, together with a statement of the amount of taxes assessed as aforesaid upon such dwelling-houses, lands or slaves, respectively, and a notification to pay, or cause to be paid the said taxes to the said collectors respectively, within thirty days after such notification shall be served as is herein provided; which copies, statements and notifications

the surveyors receiving the same respectively shall cause to be personally served on the aforesaid persons respectively, or left at their usual places of abode; and shall cause an affidavit thereof, by the person serving or leaving the same as aforesaid, with the time of such service or leaving, to be immediately transmitted to the aforesaid collector: and if such persons being notified in manner aforesaid, shall not, within sixty days thereafter, pay the said taxes to the collector of the collection district where the said lands, dwelling houses, or slaves, shall be situated, or transmit to him a receipt for the said taxes in the manner herein provided, then the said collector shall proceed to collect the said tax by distress and sale as is herein directed: and if the persons owning or having the care and superintendence of any such lands, dwelling-houses or slaves, shall not be known, then the aforesaid collectors shall cause the said copies, statements and notifications to be published for sixty days in four gazettes of the state, if there be so many; after which publication, if the said taxes shall not be paid, the said collectors shall proceed to collect the same by distress and sale in the manner herein provided.

SEC. 12. *Provided always, and be it further enacted*, That if any person owning, or having the superintendence or care of any dwelling-houses, lands, or slaves, in a collection district other than that in which he resides, and being served with such copy, statement and notification as is aforesaid, shall, within sixty days thereafter, pay the said taxes to the collector of the collection district within which he resides, and transmit a receipt therefor to the collector sending the said copy, statement and notification, such receipt shall be a discharge to the said last mentioned collector for the said taxes, and he shall thereupon forbear to collect them; and the collector giving such receipt shall become chargeable with the said taxes, and shall account therefor in the final settlement of the accounts of his collection.

Taxes may be paid in the district where the possessor resides.

SEC. 13. *And be it further enacted*, That when any tax assessed on lands or houses, shall have remained unpaid for the term of one year, the collector of the collection district within which such land or houses may be situated, having first advertised the same for two months, in six different public places within the said district, and in two gazettes in the state, if there be so many, one of which shall be the gazette in which the laws of such state shall be published by authority if any such there be, shall proceed to sell at public sale, and under the direction of the inspector of the survey, either the dwelling house, or so much of the tract of land, (as the case may be) as may be necessary to satisfy the taxes due thereon; together with costs and charges, not exceeding at the rate of one per centum, for each and every month the said tax shall have remained due and unpaid. *Provided*, that in all cases, where any lands or tenements, shall be sold as aforesaid, the owner of the said lands or tenements, his heirs, executors or administrators, shall have liberty to redeem the same at any time within two years, from the time of sale, upon payment, or tender of payment, to the collector for the time being, for the use of the purchaser, his heirs or assignees of the amount of the said taxes, costs and charges, with interest for the same, at the rate of twelve per cent. per annum; and upon payment or tender of payment as aforesaid such sale shall be void. And no deed shall be given in pursuance of any such sale, until the time of redemption shall have expired. (a)

Lands and houses may be sold for taxes remaining unpaid for one year.

But the owner may redeem within two years.

(a) A collector selling land for taxes, must act in conformity with the law from which his power is derived; and the purchaser is bound to inquire whether he has so acted. It is incumbent on the vendee to prove the authority to sell. *Stead's Ex'rs v. Course*, 4 Cranch, 403; 2 Cond. Rep. 151.

Under the act of Congress to lay and collect a direct tax, (July 14, 1798,) before the collector could sell the land of an unknown proprietor, for the non-payment of the tax, it was necessary that he should advertise the copy of the lists of lands, &c., and the statement of the amount due for the tax; and the notification to pay, for sixty days, in four gazettes of the state, if there were so many. *Parker v. Rule's Lessee*, 9 Cranch, 64; 3 Cond. Rep. 271.

In the case of a naked power not coupled with an interest, every prerequisite to the exercise of that

Supervisors to keep accounts of taxes due.

Collectors to account monthly.

Collectors to complete their duty and pay over the money in one year and one month.

How the payment shall be enforced.

Lien upon the real estate of collectors.

SEC. 14. *And be it further enacted,* That the supervisors of the respective districts, shall keep true and exact accounts of all taxes due and payable in each collection district, and shall charge the amount thereof to the collectors of such districts respectively. And the said collectors shall, at the expiration of every month after they shall, respectively, commence their collections, in manner aforesaid, render to the supervisor of the district, or the inspector of the survey within which the said collections shall, respectively, be made, a full and true account of the collections made by them, respectively, within the month, and pay over to the said supervisor or inspector, the monies by them respectively collected within the said term. And if any such collector shall fail or neglect to account and pay over, as aforesaid, at any of the periods above prescribed, such collector shall forfeit and pay three hundred dollars, to be recovered to the use of the United States, with costs of suit, in any court having competent jurisdiction. And where any monies shall have been paid, as aforesaid, to the inspector of a survey, by any collector, the receipt of such inspector shall be allowed to such collector, in the final settlement of his accounts with the supervisor of the district.

SEC. 15. *And be it further enacted,* That each of the said collectors shall complete the collection of all sums assigned to him, for collection, as aforesaid, and shall account for, and pay over the same to the supervisor of the district, within one year and one month from and after the time when the said tax shall have become due and payable, in manner aforesaid; and if any collector shall fail so to collect, account and pay over, it shall be the duty of the supervisor of the district, and he is hereby authorized and required to issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes imposed on the district of such collector, and the sums, if any, which have been paid; and the said marshal shall himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector; and for want of goods, chattels or effects, aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain, until discharged in due course of law. And furthermore, notwithstanding the commitment of the collector to prison, as aforesaid, or if he abscond, and goods, chattels and effects cannot be found, sufficient to satisfy the said warrant, the said marshal, or his deputy, shall and may proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects, of the surety or sureties of the delinquent collector.

SEC. 16. *And be it further enacted,* That the amount of the sums committed to any collector, for collection as aforesaid, shall, and the same are hereby declared to be a lien upon the lands and real estate of such collector, and his sureties, until the same shall be discharged, according to law; and for want of goods and chattels, or other personal effects of such collector, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the preceding section of this act, the lands and real estate of such collector, and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks, in not less than three public places in the collection district, and in one newspaper printed in the county, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and for all lands and real estate sold, in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies,

power should precede it. In the cases of lands sold for the non-payment of taxes, the marshal's deed is not prima facie evidence that the prerequisites of the law have been complied with; but the party claiming under it, must show this positively. *Williams v. Peyton's Lessee*, 4 Wheat. 77; 4 Cond. Rep. 395.

executed in due form of law, shall afford a valid title against all persons claiming under the delinquent collectors, or their sureties, aforesaid; and all monies that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

SEC. 17. *And be it further enacted*, That it shall be lawful for the supervisors of the respective districts, at any time, for good and sufficient cause, to dismiss or discharge each or any collector from office, and to commit the collection of any part of the said tax remaining uncollected, to a new collector; and immediately upon such dismissal, and after a notification thereof, in at least two public places in the collection district, by the supervisor, or the surveyor of the revenue for the district, on his behalf, the powers of the collector so dismissed, shall cease and terminate; and if any collector, so dismissed, shall wilfully refuse or neglect to surrender his collection list, and to render a true account of all monies collected, and to pay over the same, according to the directions of the supervisor, each and every such collector shall forfeit and pay a sum not exceeding four thousand dollars, with costs of suit, to be recovered to the use of the United States, in any court having competent jurisdiction: *Provided*, that nothing herein contained shall be construed to impair the responsibility of any collector, or his sureties, arising under the foregoing provisions of this act.

Collectors may be dismissed by the supervisors.

SEC. 18. *And be it further enacted*, That each and every collector, who shall exercise, or be guilty of any extortion or oppression, under colour of this act, or shall demand other or greater sums than shall be authorized by law, shall be liable to pay a sum not exceeding three hundred dollars; to be recovered by and for the use of the party injured, with costs of suit, in any court having competent jurisdiction; and each and every collector shall, if required, give receipts for all sums by them collected and retained, in pursuance of this act.

Penalty on collectors guilty of extortion, &c.

They shall give receipts.

SEC. 19. *And be it further enacted*, That for collecting the said tax, there shall be allowed and paid, the following sums, and no more, to be retained by the several officers herein after mentioned, in the final settlement of their accounts, respectively; that is to say:—To each supervisor, one half per centum, on the whole amount of the monies by him received and accounted for, under and by virtue of this act;—to every inspector, one fourth per centum, on the whole amount of the monies to be by him received and accounted for, as aforesaid; and to every collector, five per centum, on the whole amount of the monies by him to be received and accounted for, as aforesaid: *Provided*, that no collector shall receive the said allowance, for, or in respect to any sum for which a warrant of distress shall have been issued by him; and *provided also*, that no collector who shall refuse or neglect to render, according to this act, any monthly account of monies by him received, as aforesaid, or to pay over the same, as is hereby directed, shall be entitled to, or receive the said allowance, upon all or any of the monies by him collected, within the month for which he shall so refuse or neglect to account and pay over, as aforesaid.

Compensation for collection.

SEC. 20. *And be it further enacted*, That there shall be allowed to the surveyors of the revenue, respectively, to be paid by the supervisors, respectively, and exhibited in their accounts, as part of the charge of the said collection, for preparing collection lists, and computing the taxes payable by each individual, at the rate of one dollar for every hundred taxables contained in any such list.

SEC. 21. *And be it further enacted*, That a separate account shall be kept at the treasury of the United States of all monies to be collected and received by virtue of this act; distinguishing the several amounts received from dwelling-houses, from slaves, and from lands, within each

Separate accounts to be kept at the treasury of monies received by virtue of this act.

state, and also distinguishing the amount received in each state from each separate description of dwelling-houses, paying the same rate per centum.

APPROVED, July 14, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXVI.—*An Act to augment the Army of the United States, and for other purposes.*

[Repealed.]
Augmentation of the regiments of infantry. 1799, ch. 31. 1802, ch. 9.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, each regiment of infantry in the army of the United States shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, ten captains, ten lieutenants, ten ensigns, one sergeant-major, one quartermaster sergeant, two senior musicians, forty sergeants, forty corporals, twenty musicians, and six hundred privates; and that the several regiments of infantry now in the service of the United States, be augmented accordingly: *Provided always,* that the President of the United States may, in his discretion, appoint and distribute such additional number of surgeon's mates, and for such length of time, as the exigencies of the service may require.

Surgeon's mates.

Additional twelve regiments of infantry and six troops of light dragoons to be raised.

Regiment of dragoons to be formed.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to raise, in addition to the present military establishment, twelve regiments of infantry, and six troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the United States and the French Republic, unless sooner discharged; and the said six troops, together with the two troops of dragoons now in service, shall be formed into a regiment, and there shall be appointed thereto one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one sergeant-major, and one quartermaster-sergeant, whose pay and emoluments, as well as those of the cornets respectively, shall be the same as are by law allowed to officers of the same grades in the infantry.

General and staff officers.

SEC. 3. *And be it further enacted,* That there shall be two major-generals, with two aids-de-camp each; one inspector-general, with the rank, pay and emoluments of a major-general, and two aids-de-camp; three brigadier-generals, in addition to the present establishment; two assistant inspectors (who shall be taken from the line of the army;) one adjutant-general, with one or more assistant or assistants (to be taken from the line of the army), and four chaplains.

Their pay and subsistence.

SEC. 4. *And be it further enacted,* That the major-generals respectively shall be entitled to one hundred and sixty-six dollars monthly pay, with twenty dollars allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof at the contract price; the adjutant-general shall be entitled to the rank, pay and emoluments of a brigadier-general; each chaplain to the pay and emoluments of a major; the aids-de-camp and assistant inspectors shall each be entitled to twenty-four dollars monthly, in addition to their pay in the line, and to four rations of provisions each for their daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

Soldiers to be able bodied, &c.

SEC. 5. *And be it further enacted,* That each non-commissioned officer, private and musician, who shall hereafter be enlisted for the army of the United States, shall be able bodied, and of a size and age, suitable for the public service, according to the directions, which the President of the United States shall and may establish, and shall be entitled to a bounty of twelve dollars; but the payment of four dollars thereof shall be deferred until he shall have joined the army: and each commissioned officer who shall be employed in the recruiting service, shall

Bounty.

be entitled to receive for each such non-commissioned officer and private, and for each sufficient musician, duly enlisted and mustered, the sum of two dollars.

Allowance to recruiting officers.

SEC. 6. *And be it further enacted*, That the monthly pay of the non-commissioned officers, musicians and privates in the army of the United States, from and after the first day of August next, shall be as follows: cadets, ten dollars, and two rations per day; sergeant-majors, and quartermaster-sergeants, ten dollars; senior musicians, eight dollars; sergeants, eight dollars; corporals, seven dollars; musicians, six dollars; privates, five dollars; artificers to the infantry and artillery, and farriers and saddlers to the dragoons, shall be allowed each the monthly pay of ten dollars. That every non-commissioned officer, private and musician shall receive daily the following rations of provisions, to wit: one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, a gill of rum, brandy or whiskey, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles to every hundred rations.

Pay of men.

Their subsistence.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to appoint a number, not exceeding four, teachers of the arts and sciences necessary for the instruction of the artillerists and engineers, who shall be entitled to the monthly pay of fifty dollars, and two rations per day.

The President may appoint four teachers of the arts and sciences necessary for artillerists and engineers.

SEC. 8. *And be it further enacted*, That the officers, non-commissioned officers, musicians and privates raised by virtue of this act, shall take and subscribe the oath or affirmation prescribed by the law, intituled "An act to ascertain and fix the military establishment of the United States," and they shall be governed by the rules and articles of war, which have been or may be established by law, and shall be entitled to the legal emoluments in case of wounds or disabilities received while in actual service, and in the line of duty. And in recess of Senate, the President of the United States is hereby authorized to appoint all the regimental officers proper to be appointed under this act, and likewise to make appointments to fill any vacancies in the army, which may have happened during the present session of the Senate.

Troops to take an oath; and how they shall be governed.

The President may make appointments in the recess.

SEC. 9. *And be it further enacted*, That there shall be appointed an inspector of the artillery, taken from the line of artillerists and engineers, who shall be allowed thirty dollars per month in addition to his pay in the line, and four rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public he shall be allowed ten dollars per month instead thereof.

Inspector of artillery to be appointed.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXVII.—*An Act for the relief of sick and disabled Seamen.*(a)

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of September next, the master or owner of every ship or vessel of the United States, arriving from a foreign port into any port of the United States, shall, before such ship or vessel shall be admitted to an entry, render to the collector a true account of the number of seamen, that shall have been employed on board such vessel since she was last entered at any port in the United States,—and shall pay to the said collector, at the rate of twenty cents per month for every

Twenty cents per month to be deducted from the wages of seamen, coming from a foreign voyage in a vessel of the United States.

(a) The acts passed by Congress, for the relief of sick and disabled seamen, have been: An act for the relief of sick and disabled seamen, July 16, 1798, chap. 77; an act in addition to an act for the relief and protection of American seamen, March 2, 1799, chap. 36; an act for the relief and protection of American seamen, May 28, 1796, chap. 36; an act supplementary to the "act concerning consuls and vice consuls," and for the further protection of American seamen, February 28, 1803, chap. 9.

seaman so employed; which sum he is hereby authorized to retain out of the wages of such seamen.

The same with respect to the coasting trade.

SEC. 2. *And be it further enacted*, That from and after the first day of September next, no collector shall grant to any ship or vessel whose enrolment or license for carrying on the coasting trade has expired, a new enrolment or license before the master of such ship or vessel shall first render a true account to the collector, of the number of seamen, and the time they have severally been employed on board such ship or vessel, during the continuance of the license which has so expired, and pay to such collector twenty cents per month for every month such seamen have been severally employed, as aforesaid; which sum the said master is hereby authorized to retain out of the wages of such seamen. And if any such master shall render a false account of the number of men, and the length of time they have severally been employed, as is herein required, he shall forfeit and pay one hundred dollars.

Penalty on the master rendering a false account of the same.

Collectors to make returns of the sums received; which shall be expended in relieving sick and disabled seamen.

SEC. 3. *And be it further enacted*, That it shall be the duty of the several collectors to make a quarterly return of the sums collected by them, respectively, by virtue of this act, to the Secretary of the Treasury; and the President of the United States is hereby authorized, out of the same, to provide for the temporary relief and maintenance of sick or disabled seamen, in the hospitals or other proper institutions now established in the several ports of the United States, or, in ports where no such institutions exist, then in such other manner as he shall direct: *Provided*, that the monies collected in any one district, shall be expended within the same.

Monies unexpended, and donations to be invested in stock.

SEC. 4. *And be it further enacted*, That if any surplus shall remain of the monies to be collected by virtue of this act, after defraying the expense of such temporary relief and support, that the same, together with such private donations as may be made for that purpose (which the President is hereby authorized to receive) shall be invested in the stock of the United States, under the direction of the President; and when, in his opinion, a sufficient fund shall be accumulated, he is hereby authorized to purchase or receive cessions or donations of ground or buildings, in the name of the United States, and to cause buildings, when necessary, to be erected as hospitals for the accommodation of sick and disabled seamen.

Provision for building marine hospitals.

Directors of the marine hospitals to be appointed.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to nominate and appoint, in such ports of the United States, as he may think proper, one or more persons, to be called directors of the marine hospital of the United States, whose duty it shall be to direct the expenditure of the fund assigned for their respective ports, according to the third section of this act; to provide for the accommodation of sick and disabled seamen, under such general instructions as shall be given by the President of the United States, for that purpose, and also subject to the like general instructions, to direct and govern such hospitals as the President may direct to be built in the respective ports: and that the said directors shall hold their offices during the pleasure of the President, who is authorized to fill up all vacancies that may be occasioned by the death or removal of any of the persons so to be appointed. And the said directors shall render an account of the monies received and expended by them, once in every quarter of a year, to the Secretary of the Treasury, or such other person as the President shall direct; but no other allowance or compensation shall be made to the said directors, except the payment of such expenses as they may incur in the actual discharge of the duties required by this act.

Their duties.

APPROVED, July 16, 1798.

CHAP. LXXVIII.—*An Act for erecting a Lighthouse at Gay-head, on Martha's Vineyard; and for other purposes.*

STATUTE II.
July 16, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That as soon as the jurisdiction of such land at Gay-head, on the western part of Martha's Vineyard, in the state of Massachusetts, as the President of the United States shall deem sufficient, and most proper for the accommodation of a lighthouse, shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President, for building a lighthouse thereon, and for furnishing the same with all necessary supplies; and also, to agree for the salaries and wages of the person or persons who may be appointed by the President, for the superintendence of the same: And the President is hereby authorized to make the said appointments.

Lighthouse to be erected at Gay-head.

SEC. 2. *And be it further enacted,* That as soon as such land at the New Inlet of Cape Fear river, in the state of North Carolina, as the President of the United States shall deem sufficient and most proper whereon to erect a lighted beacon, shall have been ceded to the United States, together with the jurisdiction thereof, it shall be the duty of the Secretary of the Treasury to provide by contract, for erecting a lighted beacon thereon; and also for placing a buoy in the inlet aforesaid, and for furnishing the same with all necessary supplies.

A lighted beacon and a buoy to be fixed at the New Inlet of Cape Fear river.

SEC. 3. *And be it further enacted,* That for the purposes aforesaid, and also for the payment of such sum as shall be found due to the commissioners of pilotage of the port of Savannah, in the state of Georgia, for erecting a beacon, and placing sundry buoys at the entrance of the said port, on a settlement of their accounts at the treasury, there be appropriated out of any monies in the treasury, not otherwise particularly appropriated, the sum of five thousand seven hundred and fifty dollars: *Provided always,* that no payment shall be made for erecting the said beacon, until the land whereon the same has been erected, together with the jurisdiction thereof, shall have been ceded to the United States, agreeable to law, and in like manner as has been done in other cases.

Appropriation for those purposes, and for a beacon and buoys at the entrance of Savannah.

Proviso.

APPROVED, July 16, 1798.

CHAP. LXXIX.—*An Act to enable the President of the United States to borrow money for the public service.*

STATUTE II.
July 16, 1798.

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 shall be, and hereby is authorized to borrow, on behalf of the United States, from the Bank of the United States, which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons and upon such terms and conditions as he shall judge most advantageous for the United States, a sum not exceeding five millions of dollars, in addition to the monies to be received into the treasury of the United States, from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress; and defraying the expenses which may be incurred, by calling into actual service, any part of the militia of the United States, or by raising, equipping and calling into actual service any regular troops, or volunteers, pursuant to authorities vested or to be vested in the President of the United States, by law: *Provided,* that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed at any time after the expiration of fifteen years from the date of such loan.

[Obsolete.]
The President may borrow five millions of dollars.

Reservation of the right to reimburse after fifteen years.

Surplus of the duties on imports and tonnage pledged for the payment of principal and interest.

Permanent revenues for making up the deficiency to be established.

Sums borrowed to be paid into the treasury, &c.

Appropriation of the same.

SEC. 2. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be and hereby is pledged and appropriated for paying the interest of all such monies as may be borrowed, pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected; and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed, as aforesaid. And the faith of the United States shall be and hereby is pledged, to establish sufficient permanent revenues for making up any deficiency that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid.

SEC. 3. *And be it further enacted*, That the sums to be borrowed, pursuant to this act, shall be paid into the treasury of the United States, and there separately accounted for; and that the same shall be, and hereby are appropriated in manner following: First, to make up any deficiency in any appropriation heretofore made by law, or to be made, during the present session of Congress; and, secondly, to defray the expenses which may be incurred before the end of the next session of Congress, by calling into actual service, any part of the militia of the United States, or by raising, equipping and calling into actual service, any regular troops, or volunteers, pursuant to authorities vested or to be vested in the President of the United States, by law.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

Ante, p. 426, 495, 509.

CHAP. LXXX.—*An Act to suspend, for a further time, the duties upon the manufacture of Snuff within the United States, and the drawbacks upon the exportation thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all such parts of any law or laws heretofore passed, as impose duties upon mills and implemets employed in the manufacture of snuff, or allow drawbacks upon the exportation of snuff manufactured within the United States, shall be, and the same hereby are suspended until the end of the first session of the sixth Congress of the United States.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

CHAP. LXXXI.—*An Act for allowing an additional compensation to the doorkeepers and assistant doorkeepers of the Senate and House of Representatives, for their services during the present session of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to James Mathers, doorkeeper of the Senate, and to Thomas Claxton, doorkeeper of the House of Representatives, each, two hundred and fifty dollars; and to Cornelius Maxwell, assistant doorkeeper of the Senate, and to Thomas Dunn, the assistant doorkeeper of the House of Representatives, each, two hundred and twenty-five dollars, as an additional compensation for their services during the present session of Congress.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

CHAP. LXXXII.—*An act to make a further appropriation for the additional Naval Armament.*

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

of six hundred thousand dollars shall be, and hereby is appropriated, to enable the President of the United States to cause to be built, and equipped, three ships or vessels, to be of a force not less than thirty-two guns each, and of the dimensions and model which he shall deem most advantageous for the public service, as part of the additional naval armament authorized by law.

Appropriation for three ships of not less than 32 guns each.

SEC. 2. *And be it further enacted*, That the timber and other materials belonging to the United States proper for building and equipping the ships or vessels aforesaid, remaining in their several dock-yards, and elsewhere, may be employed under the direction of the President of the United States, in effecting the purposes of this act; or may be otherwise disposed of, as he shall think best. And the sum hereby appropriated, shall be paid out of any unappropriated money in the treasury.

Disposal of the materials for ships now on hand.

Appropriation how to be paid.

APPROVED, July 16, 1798.

STATUTE II.

CHAP. LXXXIII.—*An Act in further addition to the act, intituled "An act to establish the Judicial Courts of the United States."*

July 16, 1798.

1789, ch. 20.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judges of the supreme court, and of the several district courts of the United States, and all judges and justices of the courts of the several states, having authority by the laws of the United States to take cognizance of offences against the constitution and laws thereof, shall respectively have the like power and authority to hold to security of the peace, and for good behaviour, in cases arising under the constitution and laws of the United States, as may or can be lawfully exercised by any judge or justice of the peace of the respective states, in cases cognizable before them.

Power of holding to the peace and good behaviour.

APPROVED, July 16, 1798.

STATUTE II.

CHAP. LXXXIV.—*An Act making certain appropriations; and to authorize the President to obtain a Loan on the credit of the direct tax.*

July 16, 1798.

[Obsolete.]

Appropriations for several purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and there hereby are appropriated the following sums, that is to say:—Towards defraying the bounties, pay and other expenditures which shall and may accrue, in the augmentation of the army of the United States, pursuant to the act, intituled, "An act to augment the army of the United States; and for other purposes," the sum of nine hundred thousand dollars; and in addition to the sums heretofore appropriated for such fortifications as the President of the United States shall cause to be erected or completed, the further sum of seventy-five thousand dollars; and for the further expenses of the commissioners appointed pursuant to the treaty between the United States and Spain, and for the extraordinary expenses of marking and running certain boundary lines required by the same treaty, in addition to the former appropriations, the sum of twenty-five thousand dollars, to be paid from any monies which shall be in the treasury of the United States, not already appropriated.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to borrow of the Bank of the United States, who are hereby enabled to lend the same, or of any other corporation, persons or person, the sum of two millions of dollars, upon the credit, and in anticipation of the direct tax, laid and to be collected within the United States; which tax shall be, and is hereby pledged for the repayment of any loan which shall be obtained thereon, as aforesaid; and the faith of the United States shall be, and is hereby

The President may borrow two millions on the credit of the direct tax.

pledged to make good any deficiency: *Provided*, that the interest to be allowed for such loan, shall not exceed six per centum per annum; and that the principal shall be reimbursed at the pleasure of the United States.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXXV.—*An Act to alter and amend the several acts for the establishment and regulation of the Treasury, War and Navy Departments.*

[Obsolete.]
Accountant of
the navy estab-
lished—
Ante, p. 553.
His duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be in the department of the navy, an officer to be denominated accountant of the navy, who shall be charged with the settlement of all accounts for monies advanced and stores issued or distributed by or under the direction of the Secretary of the Navy, and who shall report from time to time, all such settlements as shall have been made by him for money advanced or issued, for the inspection and revision of the accounting officers of the treasury. And the compensation of the said accountant shall be a yearly salary of one thousand six hundred dollars. And all letters and packages to and from said accountant by mail, shall be free of postage.

April 30, 1798.
Ante, p. 49.

Compensation.
Act of March
2, 1799.
Letters free.

The treasurer
to disburse mo-
nies for the
Navy Depart-
ment, on war-
rants, &c.

SEC. 2. *And be it further enacted*, That the treasurer of the United States shall disburse all such money as shall have been previously ordered for the use of the department of the navy, by warrants from the treasury, which disbursements shall be made pursuant to warrants from the Secretary of the Navy, countersigned by the accountant.

Purchases and
contracts to be
made by the
war and navy
departments,
and accounts to
be settled with
the accountants
thereof.

SEC. 3. *And be it further enacted*, That all purchases and contracts for supplies or services for the military and naval service of the United States, shall be made by or under the direction of the chief officers of the departments of war and the navy respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject nevertheless to the inspection and revision of the officers of the treasury in manner before prescribed.

Purveyor of
public supplies
to execute or-
ders from the
Secretaries of
War and the
Navy.

SEC. 4. *And be it further enacted*, That it shall be the duty of the purveyor of public supplies, to execute all such orders as he may, from time to time, receive from the Secretary of War or Secretary of the Navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto to the accountants of the proper departments, which accounts shall be subject to the inspection and revision of the officers of the treasury as aforesaid.

Provisions of
former acts re-
pealed.

1792, ch. 37.

1795, ch. 27.

SEC. 5. *And be it further enacted*, That the provisions of the act passed on the eighth day of May, one thousand seven hundred and ninety-two, intituled "An act making alterations in the Treasury and War departments," and the act passed on the twenty-third day of February, one thousand seven hundred and ninety-five, intituled "An act to establish the office of Purveyor of public supplies," so far as the same are repugnant to the provisions of this act, be and the same are hereby repealed.

Contracts re-
lative to money,
&c. to be lodged
in the comptrol-
ler's office.

SEC. 6. *And be it further enacted*, That all contracts to be made, by virtue of this act, or of any law of the United States, and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the Comptroller of the Treasury of the United States, within ninety days after their dates, respectively.

APPROVED, July 16, 1798.

CHAP. LXXXVI.—*An Act making certain additional appropriations for the year one thousand seven hundred and ninety-eight.*

STATUTE II.
July 16, 1798.

[Obsolete.]
Relative to the loan offices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the compensation of clerks to the Commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, for and during the year one thousand seven hundred and ninety-eight, there shall be, and hereby is appropriated, the sum of thirteen thousand dollars.

SEC. 2. *And be it further enacted,* That for the expenses incident to the Navy department for and during the present year, including the compensation of the Secretary of the Navy, his clerks and persons employed in his office, with the contingent expenses of the department, there shall be, and hereby is appropriated, the sum of six thousand two hundred and fourteen dollars and seventy-two cents.

Navy Department.

SEC. 3. *And be it further enacted,* That for the expenses incident to the office of the Accountant of the Navy department, for and during the present year, including the compensation of the accountant, his clerks and persons employed in his office, with all contingent expenses thereof, there shall be, and hereby is appropriated, the sum of two thousand and forty-five dollars and nine cents.

Accountant of the Navy Department.

SEC. 4. *And be it further enacted,* That for the additional expenses incident to the present session of Congress, for printing, stationery and other contingencies, there shall be, and hereby are appropriated, the following sums, viz. : For the Senate, one thousand dollars; for the House of Representatives, four thousand dollars.

Contingencies of this session of Congress.

SEC. 5. *And be it further enacted,* That for repaying to the Bank of the United States a sum advanced upon bills drawn by the treasury of the United States, in favour of the cashier of the said bank, upon the supervisor of the district of New Hampshire, and protested, there shall be, and hereby is appropriated, the sum of five thousand five hundred and six dollars.

For repaying the Bank for certain protested bills.

SEC. 6. *And be it further enacted,* That the aforesaid appropriations shall be paid out of the sum of six hundred thousand dollars, reserved by the act "making provision for the debts of the United States."

How these appropriations shall be paid.
Ante, p. 138.

APPROVED, July 16, 1798.

STATUTE II.

CHAP. LXXXVIII.—*An Act to amend the act entitled "An act to suspend the Commercial Intercourse between the United States and France, and the dependencies thereof."*

July 16, 1798.

[Obsolete.]
Act of June 13, 1798, ch. 53.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision for giving bond and finding sufficient surety or sureties, for vessels bound on foreign voyages, as required in the second section of the act, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," shall extend no further, than to obligations to the amount of the value of the vessels respectively, and to a sum in addition thereto equal to one third of the value of the cargo. *Provided,* that in no case the surety or sureties shall be answerable for more than ten thousand dollars, any thing in the act above mentioned to the contrary notwithstanding.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXXIX.—*An Act allowing an additional compensation to the Secretary of the Senate, and Clerk of the House of Representatives, and to their Clerks, for their services, during the present session of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the secretary of the Senate, and to the clerk of the House of Representatives, each, two hundred dollars; and to the principal and the engrossing clerks in the office of the secretary of the Senate, and of the clerk of the House of Representatives, the sum of one hundred dollars, each, as an additional compensation for their services, during the present session of Congress.

APPROVED, July 16, 1798.

June 22, 1798.

The Secretary of State to cause the papers relative to the late mission to France, to be printed and distributed.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he hereby is authorized and directed to cause to be printed a number of copies, not exceeding ten thousand, of the instructions to the envoys extraordinary and ministers plenipotentiary of the United States, to the French Republic, and of all the despatches hitherto received from them, and which have been communicated by the President of the United States to both Houses of Congress, and to cause the same to be distributed, gratis, throughout the United States, and particularly, in such parts thereof, wherein the dissemination of information, through the medium of newspapers, is the most obstructed.

APPROVED, June 22, 1798.