

STATUTE II.

March 3, 1825.

CHAP. LXV. — *An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.*(u)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any person or persons, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is ceded to, and under the jurisdiction of, the United States, or on the site of any lighthouse, or other needful building belonging to the United States, the site whereof is ceded to them, and under their jurisdiction, as aforesaid, shall, wilfully and maliciously, burn any dwelling-house, or mansion-house, or any store, barn, stable, or other building, parcel of any dwelling or mansion-house, every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death.

SEC. 2. *And be it further enacted,* That if any person or persons, in any of the places aforesaid, shall, wilfully and maliciously, set fire to, or burn, any arsenal, armory, magazine, rope-walk, ship-house, ware-house, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the first section of this act, or any ship or vessel, built, or building or begun to be built, or repairing, or any lighthouse, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out, ships, or vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualling stores, arms, or other munitions of war, every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence.

SEC. 3. *And be it further enacted,* That, if any offence shall be committed in any of the places aforesaid, the punishment of which offence is not specially provided for by any law of the United States, such offence shall, upon a conviction in any court of the United States having cognisance thereof, be liable to, and receive the same punishment as the laws of the state in which such fort, dock-yard, navy-yard, arsenal, armory, or magazine, or other place, ceded as aforesaid, is situated, provide for the like offence when committed within the body of any county of such state.

SEC. 4. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, shall commit the crime of wilful murder, or rape, or shall, wilfully and maliciously, strike, stab, wound, poison, or shoot at, any other person, of which striking, stabbing, wounding, poisoning, or shooting such person shall afterwards die, upon land, within or without the United States, every person so offending, his or her counsellors, aiders, or abettors, shall be deemed guilty of felony, and shall, upon conviction thereof, suffer death.

SEC. 5. *And be it further enacted,* That if any offence shall be committed on board of any ship or vessel, belonging to any citizen or citizens of the United States, while lying in a port or place within the jurisdiction of any foreign state or sovereign, by any person belonging to the company of said ship, or any passenger, on any other person belonging to the company of said ship, or any other passenger, the same offence shall be cognisable and punishable by the proper circuit court of the United States, in the same way and manner, and under the same circumstances, as if said offence had been committed on board of such ship or vessel on the high seas, and without the jurisdiction of such foreign sovereign or

Act of April 30, 1790, ch. 9.

Any person within any fort, &c., who shall maliciously burn any dwelling-house, &c. to suffer death.

Act of April 2, 1792, ch. 16, sec. 16.

Act of Jan. 30, ch. 1, 1799.

Act of April 24, 1800, ch. 35.

Any person wilfully setting fire to, &c. any arsenal, &c., to be fined and imprisoned.

Any offence committed in any of the aforesaid places, &c., to be dealt with according to the laws of the state.

Murder on the high seas, &c. punishable with death.

Act of April 30, 1790, ch. 9, sec. 12.

Any offence committed on board any ship or vessel belonging to a citizen of the United States, within the jurisdiction of any foreign state, by any person belonging thereto, to be cognisa-

(u) See notes to the act of April 30, 1790, ch. 9, vol. i. 112, 113, 114, 115, 116, 117, 118.

ple, &c., by the proper court of the United States.

Punishment of any person who, &c., shall, &c., attack any ship or vessel, &c., with an intent to plunder.

Act of April 30, 1790, ch. 9, sec. 12.

Act of March 3, 1819, ch. 77.

Act of May 15, 1820, ch. 113.

Of any person who shall attempt to kill, rob, &c.

Act of April 30, 1790, ch. 9, sec. 10.

Of any person buying, &c. any goods, &c., knowing the same to be the subject of larceny.

Act of April 30, 1790, ch. 9, sec. 11.

Of any person who shall plunder, steal, or destroy any money, goods, &c. belonging to any ship or vessel &c. in distress.

Act of April 30, 1790, ch. 9, sec. 16.

state: *Provided, always,* That if such offender shall be tried for such offence, and acquitted or convicted thereof, in any competent court of such foreign state or sovereign, he shall not be subject to another trial in any court of the United States.

SEC. 6. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, shall, by surprise or by open force or violence, maliciously attack, or set upon, any ship or vessel belonging in whole or part, to the United States, or to any citizen or citizens thereof, or to any other person whatsoever, with an intent unlawfully to plunder the same ship or vessel, or to despoil any owner or owners thereof of any moneys, goods, or merchandise, laden on board thereof, every person so offending, his or her counsellors, aiders, or abettors, shall be deemed guilty of felony; and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence.

SEC. 7. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any other of the places aforesaid, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall break or enter any ship or vessel, boat, or raft; or if any person or persons shall, wilfully and maliciously, cut, spoil, or destroy, any cordage, cable, buoys, buoy-rope, headfast, or other fast, fixed to any anchor or moorings, belonging to any ship, vessel, boat, or raft; every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labour, not exceeding five years, according to the aggravation of the offence.

SEC. 8. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any of the places aforesaid, shall buy, receive, or conceal, or aid in concealing any money, goods, bank notes, or other effects or things which may be the subject of larceny, which have been feloniously taken or stolen, from any other person, knowing the same to have been taken or stolen, every person, so offending, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, although the principal offender chargeable, or charged with the larceny, shall not have been prosecuted or convicted thereof; and shall on conviction thereof, be punished by fine, not exceeding one thousand dollars, and imprisonment and confinement to hard labour, not exceeding three years, according to the aggravation of the offence.

SEC. 9. *And be it further enacted,* That, if any person or persons shall plunder, steal, or destroy, any money, goods, merchandise, or other effects, from or belonging to any ship or vessel, or boat, or raft, which shall be in distress, or which shall be wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks, of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, or if any person or persons shall wilfully obstruct the escape of any person endeavouring to save his or her life from such ship, or vessel, boat, or raft, or the wreck thereof, or, if any person or persons shall hold out or show any false light, or lights, or extinguish any true light, with intention to bring any ship or vessel, boat or raft, being or sailing upon the sea, into danger, or distress, or shipwreck; every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence. (a)

(a) Indictment in the circuit court of the United States for the southern district of New York, for

SEC. 10. *And be it further enacted*, That, if any master or commander of any ship or vessel, belonging, in whole, or in part, to any citizen or citizens of the United States, shall, during his being abroad, maliciously, and without justifiable cause, force any officer, or mariner of such ship or vessel, on shore, or leave him behind, in any foreign port or place, or refuse to bring home again, all such of the officers and mariners of such ship or vessel, whom he carried out with him, as are in a condition to return, and willing to return, when he shall be ready to proceed in his homeward voyage, every master or commander, so offending, shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding six months, according to the aggravation of the offence. (a)

Of any master, &c., of any ship or vessel belonging in whole or in part to a citizen or citizens of the United States, while abroad, who shall force any officer, &c., on shore to leave him behind in any foreign port or place.

SEC. 11. *And be it further enacted*, That, if any person or persons, shall, wilfully and maliciously, set on fire, or burn, or otherwise destroy or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in setting on fire, or burning or otherwise destroying, any ship or vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of

Of any person wilfully, &c. setting on fire any ship or vessel of the United States afloat on the high seas, or any arm of the sea, within

feloniously stealing a quantity of merchandise, belonging to the ship *Bristol*, the ship being in distress and cast away on a shoal of the sea on the coast of New York. The indictment was founded on the 9th section of the act, entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3, 1825. The goods were taken above high-water mark, upon the beach, in the county of Queens, in the state of New York. Held, that the offence committed was within the jurisdiction of the circuit court. *The United States v. Coombs*, 12 Peters, 72.

In cases purely dependent on the locality of the act done, the admiralty jurisdiction is limited to the sea, and to the tide water, as far as the tide flows. Mixed cases may arise, and often do arise, where the act and services done are of a mixed nature, as when salvage services are performed, partly on tide-water and partly on shore, for the preservation of the property; in which case the admiralty jurisdiction has been constantly exercised, to the extent of decreeing salvage. *Ibid.*

The offence of larceny is not punishable under the act 1790, ch. 9, unless committed in a place under the sole and exclusive jurisdiction of the United States; and to bring the case within the statute, there must be an averment of such sole and exclusive jurisdiction in the indictment. *The United States v. Edmond Davis*, 5 Mason's C. C. R. 356.

"Personal goods" in that statute does not include choses in action, the latter not being the subject of larceny at common law. *Ibid.*

Where larceny is committed in a place not under the sole and exclusive jurisdiction of the United States, it may be yet punishable under the third section of the act of 1825, ch. 66. *Ibid.*

Offences are punishable under that section according to the state laws, where they are committed under circumstances, or in places, in which, before that act, no court of the United States had authority to punish them. *Ibid.*

It seems, that a reservation in a cession of "concurrent jurisdiction" to serve state process, civil and criminal in the ceded place, does not exclude the exclusive legislation, or exclusive jurisdiction of the United States, over the ceded place. It merely operates as a condition of the grant. *Ibid.*

See *United States v. Kessler*, Baldwin's C. C. R. 15.

(a) The crimes act of 1825, ch. 66, sec. 10, enumerates three distinct offences: (1) maliciously and wilfully, and without justifiable cause, forcing an officer or mariner on shore, in a foreign port, or (2) maliciously, or without justifiable cause, leaving any officer or mariner behind in a foreign port, or (3) maliciously, or without justifiable cause, refusing to bring home again all the officers or mariners of the ship, in a condition to return and willing to return. It is not necessary to complete the first or second of the enumerated offences, that the officer or mariner should be in a condition to return or willing to return. These latter words apply only to the trial of the enumerated offences. *The United States v. Netcher*, 1 Story's C. C. R. 307.

Where a mariner applied for a discharge, which was refused by the master, and he thereupon used abusive language to the master, for which he was imprisoned by the master, so that he was unable to return, and the ship sailed without him, it was held, that the leaving him behind was an offence under the crimes act of 1825, ch. 66, sec. 10. *Ibid.*

Indictment for maliciously, and without justifiable cause, forcing a seaman on shore, in a foreign port, against the crimes act of 1825, ch. 66, sec. 10. "Maliciously," in the statute, means wilfully, against a knowledge of duty; "justifiable cause" does not mean such a cause as the known policy of the American laws on the subject contemplates as a cause of moral necessity, for the safety of the ship and crew, or the due performance of the voyage. *The United States v. Thaddeus Coffin*, 1 Sumner's C. C. R. 394.

Under the 10th section of the act of 1825, ch. 66, the forcing a mariner on shore must be done, not only without justifiable cause, but also maliciously, to justify a conviction. If done under a mistaken sense of duty, it is not a case for conviction. *The United States v. Spencer Ruggles*, 5 Mason's C. C. R. 192.

"Maliciously," in the statute, means with a wilful disregard of right and duty, or doing the act, against a man's own conviction of duty. *Ibid.*

A master of a ship has authority to confine his seamen in a common jail in a foreign port, for offences and misconduct in extreme cases; and when the proper correction and punishment cannot be effected on ship-board. *Ibid.*

the admiralty jurisdiction of the United States.

Proviso.

Of any officer of the United States who is guilty of extortion.

Of any person in any case, matter, &c., who when on oath or affirmation, shall be required to be taken or administered, under any law of the United States, shall willfully swear falsely.

Act of April 30, 1790, ch. 9, sec. 19.

When any person is arraigned for any offence, not capital, and refuse to answer to such indictment, judgment shall be rendered accordingly.

Act of April 30, 1790, sec. 29.

In every case where a criminal is convicted, the court which shall pass the sentence shall order the same to be executed in any state prison, &c.

Act of April 30, 1790, ch. 9, sec. 23.

Punishment of any person employed in the Bank of the

any particular state, every person so offending, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death: *Provided*, That nothing herein contained shall be construed to take away or impair the right of any court martial to punish any offence, which, by the law of the United States, may be punishable by such court.

SEC. 12. *And be it further enacted*, That, if any officer of the United States shall be guilty of extortion, under, or by colour of his office, every person so offending shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding one year, according to the aggravation of the offence. (a)

SEC. 13. *And be it further enacted*, That, if any person, in any case, matter, hearing, or other proceeding, when an oath or affirmation shall be required to be taken or administered under or by any law or laws of the United States, shall, upon the taking of such oath or affirmation, knowingly and willingly swear or affirm falsely, every person, so offending, shall be deemed guilty of perjury, and shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and by imprisonment and confinement to hard labour, not exceeding five years, according to the aggravation of the offence. And if any person or persons shall knowingly or willingly procure any such perjury to be committed, every person so offending shall be deemed guilty of subornation of perjury, and shall on conviction thereof, be punished by fine, not exceeding two thousand dollars, and by imprisonment and confinement to hard labour, not exceeding five years, according to the aggravation of the offence. (b)

SEC. 14. *And be it further enacted*, That, if any person, upon his or her arraignment upon any indictment before any court of the United States for any offence, not capital, shall stand mute, or will not answer or plead to such indictment, the court shall, notwithstanding, proceed to the trial of the person, so standing mute, or refusing to answer or plead, as if he or she had pleaded not guilty, and upon a verdict being returned by the jury, may proceed to render judgment accordingly. And the trial of all offences which shall be committed upon the high seas or elsewhere, out of the limits of any state or district, shall be in the district where the offender is apprehended, or into which he may be first brought.

SEC. 15. *And be it further enacted*, That, in every case where any criminal convicted of any offence against the United States shall be sentenced to imprisonment and confinement to hard labour, it shall be lawful for the court by which the sentence is passed, to order the same to be executed in any state prison, or penitentiary within the district where such court is holden; the use of which prison or penitentiary may be allowed or granted by the legislature of such state for such purposes; and the expenses attendant upon the execution of such sentence, shall be paid by the United States.

SEC. 16. *And be it further enacted*, That, if any person who shall be employed as president, cashier, clerk, or servant, in the Bank of the United States, created and established by an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the tenth day of April, in the year of our Lord one thousand eight hun-

(a) Where the United States instituted an action for the recovery of a sum of money on a bond given with sureties by a purser in the navy, and the defendants, in substance, pleaded that the bond, with the condition thereon, was variant from that prescribed by law, and was, under colour of office, extorted from the obligor and his sureties, contrary to the statute, by the then Secretary of the Navy, as the condition of the purser remaining in the office, and receiving the emoluments, and the United States demurred to the plea; it was held, that the plea constituted a good bar to the action. *The United States v. Tingey*, 5 Peters, 114.

No officer of the government has a right, by colour of his office, to require from any subordinate officer, as a condition for his holding his office, that he should execute a bond with a condition different from that prescribed by law. That would be, not to execute, but to supersede the requisites of the law. It would be very different, when such bond was, by mistake or otherwise, voluntarily, substituted by the parties for the statute bond, without any coercion, or extortion by colour of office. *Ibid.*

(b) See notes to the fourth section of the act of March 1, 1823, ch. 20.

dred and sixteen, or in any office of discount and deposit, established by the directors of said bank in any state or territory of the United States, shall feloniously take, steal, and carry away any money, goods, bond, bill, bank note, or other note, check, draft, treasury note, or other valuable security or effects, belonging to said bank, or deposited in said bank; or, if any person so employed as president, cashier, clerk, or servant, shall fraudulently embezzle, secrete, or make away with any money, goods, bond, bill, bank note, or other note, draft, treasury note, or other valuable security or effects, which he shall have received, or which shall come to his possession or custody by virtue of such employment: every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished, by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence.

SEC. 17. *And be it further enacted*, That, if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any paper, writing, or instrument, in imitation of, or purporting to be, an indent, certificate of the public stock, or debt, treasury note, or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by, or on the treasurer of the United States, or by, or on, any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay the same, on behalf and for account of the United States, (a) if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, or counterfeited paper, writing, or instrument, knowing the same to be false, forged, or counterfeited, with intent to defraud the United States, or any body politic or corporate, or any other person or persons whatsoever; or if any person or persons shall falsely alter any indent, certificate of the public stock, or debt, treasury note, or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by or on the treasurer of the United States, or any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay such bill, check, or draft, or if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true and unaltered, any such falsely altered indent, certificate, treasury note, or other public security, letters patent, or bill, check, or draft, knowing the same to be falsely altered, with intent to defraud the United States, or any body politic or corporate, or any person or persons whatsoever, (b) every such person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and con-

United States taking, &c. any money, &c. belonging to said bank.

Act of April 10, 1816, ch. 44.

Forgery of treasury notes, or other public security of the United States.

Act of April 30, 1790, ch. 9, sec. 14.

(a) Forgeries under the laws of the United States must be tried in the district where the crime is committed. *The United States v. Britton*, 2 Mason's C. C. R. 464.

In an indictment for forgery, it is in general necessary to set forth the tenor of the instrument, and it must be proved as set forth. *Ibid.*

(b) Passing a paper is putting it off on payment or exchange. Uttering it, is a declaration that it is good, with an intent to pass, or an offer to pass it. *United States v. Mitchell et al.*, Baldwin's C. C. R. 366.

The party accused of passing or uttering counterfeit paper, must be present when the act is done, privy to it, or aiding, consenting, or procuring it to be done. If done by consent, all are equally guilty. *Ibid.*

Passing a counterfeit note in the name of a fictitious person, an assumed name, or on a bank which never existed, is within the law. It is not necessary that the note, if genuine should be valid, if on its face it purports to be good. The want of validity must appear on its face. *Ibid.*

The possession of other counterfeit papers, by the defendant, or a confederate, at the time of passing counterfeit notes, is evidence of the scienter. *Ibid.*

The law presumes the intention of passing counterfeit paper, to be to defraud any person who may suffer a loss by receiving it as genuine. *The United States v. Shellmire*, Baldwin's C. C. R. 370.

Intoxication is no defence to a charge of passing counterfeit bank notes, if the defendant was possessed of his reason, and was capable of knowing whether the note so passed was good or bad. *Ibid.*

finement to hard labour, not exceeding ten years, according to the aggravation of the offence.

Forgery of letters of attorney, certificates of stock of the United States, or certificates of stock of the Bank of the United States.

SEC. 18. *And be it further enacted*, That, if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any paper, writing, or instrument, in imitation of, or purporting to be, any letter of attorney, or other authority or instrument to assign, transfer, sell, or convey any share or sum in the public stock or debt of the United States, or in the capital stock of the president, directors, and company of the Bank of the United States, or to receive any annuity or annuities, dividend or dividends, due or to become due on any such stock or debt; or to receive any pension, prize money, wages, or other debt or sum of money due, or to become due from the United States; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or willingly aid or assist in forging or counterfeiting the name or names of any of the holders or proprietors of any such public stock or debt, or of any person entitled to any such annuity, dividend, pension, prize money, wages, or other debt or sum of money as aforesaid, in or to any such pretended letter of attorney, authority, or instrument; or shall, knowingly and fraudulently, demand, or endeavour to have or obtain such share or sum in such public stock or debt, or capital stock of the said bank, or to have any part thereof transferred, assigned, sold, or conveyed, or such annuity, dividend, pension, prize money, wages, or other debt or sum of money, or any part thereof, to be received or paid, by virtue of any such false, forged, or counterfeited letter of attorney, authority, or instrument; or shall falsely and deceitfully personate any true or real proprietor or holder of such share or sum in such public stock or debt, or capital stock of the said bank, or any person entitled to such annuity, dividend, pension, prize money, wages, or other debt or sum of money, as aforesaid, and thereby transferring or endeavouring to transfer such public stock or debt or capital stock of the said bank, or receiving, or endeavouring to receive the money of such true or lawful holder or proprietor thereof, or the money of such person or persons, really and truly entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, or sum of money, as aforesaid, as if such offender were the true and lawful owner thereof, and entitled thereto; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence. (a)

Forging an abstract or official copy, &c. or certificate of the recording, &c. of any ship or vessel in the office of any

SEC. 19. *And be it further enacted*, That if any person or persons, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any instrument in imitation of, or purporting to be, an abstract or official copy, or certificate of the recording, registry, or enrolment of any ship or vessel, in the office of any collector of the cus-

(a) Indictment in the circuit court of North Carolina, for the forgery of, and an attempt to pass a certain paper writing, in imitation of, and purporting to be a bill or note, issued by the president and directors of the Bank of the United States, founded on the 18th section of the act of 1816, incorporating the Bank of the United States. The note was signed with the name of John Huske, who had not been, at any time, President of the Bank of the United States, but who, at the time of the counterfeit, was the president of the office of discount and deposit at Fayetteville; and was countersigned with the name of John W. Sanford, who at no time was the cashier of the mother bank, but who at the time of the counterfeiting was cashier of the said office of discount and deposit. Held, that this was an offence within the provisions of the law. *The United States v. Turner*, 7 Peters, 132.

The policy of the act extends to such a case. The object is to guard the public from false and counterfeit paper; purporting on its face to be issued by the bank. It could not be presumed that persons in general could be cognisant of the fact, who, at particular periods, were the president and cashier of the bank. They were officers liable to be removed at the pleasure of the directors, and the times of their appointment or removal, or even their names, could not ordinarily be within the knowledge of the body of the citizens. The public mischief would be equally great, whether the names were those of the genuine officers, or of fictitious or unauthorized persons, and ordinary diligence would not protect them against imposition. *Ibid.*

toms of the United States, or a license to any ship or vessel, for carrying on the coasting trade, or fishery or fisheries of the United States, or a certificate of ownership, pass, passport, sea letter, or clearance, granted for any ship or vessel, under the authority of the United States, or a permit, debenture, or other official document, granted by any collector or other officer of the customs, by virtue of his or their office; or shall falsely alter any abstract, official copy, or certificate of any recording, registering, or enrolling of any ship or vessel in the office of any collector of the customs of the United States, or any license to any ship or vessel for carrying on the coasting trade or fisheries of the United States, or any certificate of ownership, pass, passport, sea letter, or clearance granted for any ship or vessel under the authority of the United States, or any permit, debenture, or other official document granted by any collector, or other officer of the customs, by virtue of his or their office; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, or counterfeited instrument, or any such falsely altered abstract, official copy, certificate, license, pass, passport, sea letter, clearance, permit, debenture, or other official document as aforesaid, knowing the same to be false, forged, or counterfeited, or falsely altered, with an intent to defraud the United States, or any other body politic or corporate, or person, whatsoever; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labour not exceeding three years.

collector of the
customs.

Act of April
30, 1790, sec. 14.

SEC. 20. *And be it further enacted*, That, if any person, or persons, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any coin, in the resemblance or similitude of the gold or silver coin, which has been, or hereafter may be, coined at the mint of the United States; or in the resemblance or similitude of any foreign gold or silver coin which by law now is, or hereafter may be made current in the United States; or shall pass, utter, publish, or sell or attempt to pass, utter, publish, or sell, or bring into the United States; from any foreign place, with intent to pass, utter, publish, or sell, as true, any such false, forged, or counterfeited coin, knowing the same to be false, forged, or counterfeited, with intent to defraud any body politic, or corporate, or any other person or persons, whatsoever; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment, and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence. (a)

Forging of
gold or silver
coin.

SEC. 21. *And be it further enacted*, That, if any person, or persons, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any coin, in the resemblance or similitude of any copper coin which has been, or hereafter may be, coined at the mint of the United States; or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States, from any foreign place, with intent to pass, utter, publish, or sell, as true, any such false, forged, or counterfeited coin, with intent to defraud any body politic, or corporate, or any other person, or persons, whatsoever; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment, and confinement to hard labour, not exceeding three years.

Forgery of
copper coin.

SEC. 22. *And be it further enacted*, That, if any person or persons,

(a) The head pistareen is no part of the Spanish milled dollar. Such pistareen or piece of coin is not a silver coin of Spain made current, by law, in the United States. *United States v. Gardner*, 10 Peters, 618.

Of a person, on the high seas &c. using a dangerous weapon with an intent to kill, &c.

upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, on board any vessel belonging in whole or in part to the United States, or any citizen or citizens thereof, shall, with a dangerous weapon, or with intent to kill, rob, steal, or to commit a mayhem, or rape, or to perpetrate any other felony, commit an assault on another, such person shall, on conviction thereof, be punished by fine, not exceeding three thousand dollars, and by imprisonment and confinement to hard labour, not exceeding three years, according to the aggravation of the offence.(a)

Of any person guilty of conspiracy, &c.

SEC. 23. *And be it further enacted*, That, if any person or persons shall, on the high seas, or within the United States, wilfully and corruptly conspire, combine, and confederate, with any other person or persons, such other person or persons being either within or without the United States, to cast away, burn, or otherwise destroy, any ship or vessel, or to procure the same to be done, with intent to injure any person, or body politic, that hath underwritten, or shall thereafterwards underwrite, any policy of insurance thereon, or on goods on board thereof, or with intent to injure any person, or body politic, that hath lent or advanced, or thereafter shall lend or advance, any money on such vessel, on bottomry or respondentia, or shall, within the United States, build or fit out, or aid in building or fitting out, any ship or vessel, with intent that the same shall be cast away, burnt, or destroyed, for the purpose or with the design aforesaid, every person, so offending, shall, on conviction thereof, be deemed guilty of felony, and shall be punished by fine, not exceeding ten thousand dollars, and by imprisonment, and confinement to hard labour, not exceeding ten years.

Of any person employed by the mint, who shall debase, &c. any gold or silver coin struck by said mint, for the purpose of gain.

SEC. 24. *And be it further enacted*, That, if any of the gold or silver coins which shall be struck or coined at the mint of the United States, shall be debased, or made worse, as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to the several acts relative thereto, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise, with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall, at any time, be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer, or person who shall commit any, or either, of the said offences, shall be deemed guilty of felony, and shall be sentenced to imprisonment and hard labour for a term not less than one year, nor more than ten years, and shall be fined in a sum not exceeding ten thousand dollars.

All acts, &c. inconsistent with this, repealed.

Proviso.
Act of April 30, 1790, ch. 9.

Nothing in this act to be

SEC. 25. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be, and the same are hereby, repealed: *Provided, nevertheless*, That all such acts, and parts of acts, shall be, and remain in full force for the punishment of all offences committed before the passing of this act.

SEC. 26. *And be it further enacted*, That nothing in this act contained

(a) Under the words "high seas," in the crimes act of 1825, sec. 22, the words "high seas" mean the unenclosed waters of the ocean outside of the fauces terræ. *The United States v. Thomas Grush*, 5 Mason's C. C. R. 290.

The state courts have jurisdiction of offences committed on arms of the sea, havens, basins or bays, within the ebb and flow of the tide, when these places are within the body of the county; and in such cases the circuit court of the United States has no jurisdiction. *Ibid.*

Where an arm of the sea or creeks, haven, basin or bay, is so narrow that a person standing on one shore can reasonably discern, and distinctly see by the naked eye, what is doing on the opposite shore, the waters are within the body of a county. *Ibid.*

In such waters, it seems, that the admiralty and common law courts have concurrent jurisdiction. *Ibid.*

The county of Suffolk, in which the city of Boston is included, extends to all waters between the circumjacent islands, down to the Great Brewster and Point Allerton. *Ibid.*

shall be construed to deprive the courts of the individual states, of jurisdiction, under the laws of the several states, over offences made punishable by this act.

APPROVED, March 3, 1825.

construed so as to deprive the courts of individual states of jurisdiction.

STATUTE II.

March 3, 1825.

CHAP. LXVI. — *An Act further to amend the act authorizing payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes, passed ninth April, one thousand eight hundred and sixteen.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person having a claim for a building destroyed by the enemy during the late war, under the ninth section of the act to which this is an amendment, and of the act to amend the same, passed the third of March, one thousand eight hundred and seventeen, which shall have been presented to the commissioner of claims, appointed under the act first aforesaid, at any time before the tenth of April, one thousand eight hundred and eighteen, and which was not paid under said acts, nor finally rejected by said commissioner, may, within nine months, hereafter, present the same with the evidence to support it, to the third auditor of the treasury, for examination and adjustment, and if he shall be satisfied the building or buildings for which damages are claimed, was, at the time of its destruction, occupied by order of any agent or officer of the United States, as a place of deposit for military or naval stores, or as barracks for the military forces of the United States, he shall proceed to assess the damages, and certify the amount for payment, in the way pointed out in the act first above referred to, which shall be immediately paid out of any money in the treasury not otherwise appropriated: *Provided,* That if the auditor shall be satisfied the evidence before him is insufficient to enable him correctly to decide between the United States and the claimant, he may, on giving notice to the claimant, cause other evidence to be taken: *And provided, also,* That no payment shall be made under the provisions of this act, where the property destroyed was occupied under a contract with the owner, and at the risk of such owner.

Act of April 9, 1816, ch. 40. Act of March 3, 1817, ch. 110.

Course to be pursued by those having claims for buildings destroyed during the late war.

Proviso.

Proviso.

SEC. 2. *And be it further enacted,* That the amount which shall appear to have been paid to the owners, as rent for the use or occupation of their property, shall be deducted from the amount directed to be paid to them under this act.

Amount paid for the use thereof, deducted.

SEC. 3. *And be it further enacted,* That, in case the whole amount of claims presented and allowed, under this act, shall exceed the sum of two hundred and fifty thousand dollars, then, and in that case, the claimants shall, respectively, receive only their rateable proportion of the sum of two hundred and fifty thousand dollars, to be liquidated by the said auditor, in the adjustment of the amount to be received by such claimants respectively.

When the claimants to receive a rateable proportion.

APPROVED, March 3, 1825.

STATUTE II.

March 3, 1825.

CHAP. LXXIV.—*An Act to authorize the sale of a section of land therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury shall be, and he is hereby, authorized to cause to be exposed to public sale, in the same manner other lands of the United States are, the section numbered thirty-four, of the eleventh township and third range of townships offered for sale, at Steubenville, Ohio; and, if not so sold, the said section shall be liable to entry in the Steubenville land office, as other lands are.

[Obsolete.]

Section numbered 34, of the eleventh township and third range of townships to be offered for sale in Ohio.

APPROVED, March 3, 1825.